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National Insurance Act, 1946.

9 & 10 GEO. 6. CH. 67.

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CHAPTER 67.

An Act to establish an extended system of national insurance providing pecuniary payments by way of unemployment benefit, sickness benefit, maternity benefit, retirement pension, widows' benefit, guardian's allowance and death grant, to repeal or amend the existing enactments relating to unemployment insurance, national health insurance, widows', orphans' and old age contributory pensions and non-contributory old age pensions, to provide for the making of payments towards the cost of a national health service, and for purposes connected with the matters aforesaid.
[1st August 1946.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

INSURED PERSONS AND CONTRIBUTIONS.

1.—(1) Subject to the provisions of this Act, every person who on or after the appointed day, being over school leaving age and under pensionable age, is in Great Britain, and fulfils such conditions as may be prescribed as to residence in Great Britain, shall become insured under this Act and thereafter continue throughout his life to be so insured.

Description
and
classification
of insured
persons.

(2) For the purposes of this Act, insured persons shall be divided into the following three classes:—

- (a) employed persons, that is to say persons gainfully occupied in employment in Great Britain, being employment under a contract of service;

PART I.
—cont.

(b) self-employed persons, that is to say persons gainfully occupied in employment in Great Britain who are not employed persons;

(c) non-employed persons, that is to say persons who are not employed or self-employed persons.

Hereafter in this Act any employment by virtue whereof an insured person is an employed person is referred to as an “employed contributor’s employment”.

(3) Provision may be made by regulations for modifying the said classification in relation to cases where it appears to the Minister desirable by reason of the nature or circumstances of a person’s employment or otherwise, and such regulations may in particular provide—

(a) for treating as an employed contributor’s employment—

(i) employment under a public or local authority constituted in Great Britain notwithstanding that it is not employment under a contract of service;

(ii) employment outside Great Britain in continuation of any employed contributor’s employment;

(b) for treating as not being an employed contributor’s employment, or for disregarding,—

(i) employment which is of a casual or subsidiary nature or in which the insured person is engaged only to an inconsiderable extent;

(ii) employment in the service, or for the purposes of the trade or business, or as partner, of the insured person’s husband or wife;

(iii) employment by a relative in the common home of the insured person and the employer;

(c) for treating a person’s employment as continuing during periods of holiday, unemployment or incapacity for work and in such other circumstances as may be prescribed.

Source of
funds.

2.—(1) For the purpose of providing the funds required for paying benefit, and for making any other payments which under this Act are to be made out of the National Insurance Fund established under this Act, contributions shall be payable by insured persons, by employers and out of moneys provided by Parliament in accordance with the following provisions of this section.

(2) Subject to the provisions of this Act—

(a) every employed person of any description set out in the first column of Part I of the First Schedule to this Act shall be liable, as from the appointed day, to pay

weekly contributions at the rate respectively set out in the second column of the said Part I;

- (b) every employer of an employed person of any description set out in the first column of Part II of the said Schedule, or of any person of any such description who is to be treated by virtue of that Part of that Schedule as an employed person, shall be liable, as from the said day, to pay weekly contributions in respect of that person at the rate respectively set out in the second column of the said Part II;
- (c) every self-employed person of any description set out in the first column of Part III of the said Schedule, shall be liable, as from the said day, to pay weekly contributions at the rate respectively set out in the second column of the said Part III;
- (d) every non-employed person of any description set out in the first column of Part IV of the said Schedule shall be liable, as from the said day, to pay weekly contributions at the rate respectively set out in the second column of the said Part IV.

(3) Subject to the provisions of this Act, there shall be paid out of moneys provided by Parliament in such manner and at such times as the Treasury may determine—

- (a) for each contribution as an employed, self-employed or non-employed person paid by a person of any description set out in the first column of Part V of the said First Schedule, and for each employer's contribution paid in respect of a person of any such description, the sum (hereafter in this Act referred to as "the Exchequer supplement") respectively set out in the said Part V in relation to a contribution of that class and a person of that description; and
- (b) in addition to the Exchequer supplements, the following sums, namely—

- (i) as respects the period beginning with the date on which contributions become payable in accordance with the foregoing provisions of this section and ending with the thirty-first day of March, nineteen hundred and forty-nine, the sum of three million pounds for each complete month in that period and a proportionate sum for any part of a month therein;

- (ii) as respects the period of six years next following the said thirty-first day of March, the sum of forty million pounds for the first year of that period, and for any subsequent year thereof a sum greater by four million pounds than the sum for the immediately preceding year;

PART I.
—cont.

(iii) for any year after the end of the last mentioned period, such sum as Parliament may hereafter determine.

For the purpose of paragraph (a) of this subsection, the number of contributions of any class paid in any period by or in respect of persons of any description shall be estimated in such manner as the Treasury may determine.

(4) Subject to the provisions of this Act, as from the beginning of the contribution week beginning next after the expiration of five years from the date of introduction of new pension rates, the rates of contributions set out in the third columns of Parts I, II, III and IV of the First Schedule to this Act shall have effect in substitution for the rates set out in the second columns of those Parts respectively.

(5) Subject to the provisions of this Act and of any regulations, no person shall be entitled to pay any contribution thereunder other than a contribution which he is liable to pay.

(6) If any employer or insured person fails to pay any contribution which he is liable under this Act to pay, he shall be liable on summary conviction to a fine not exceeding ten pounds.

3.—(1) Where it appears to the Treasury expedient so to do with a view to maintaining a stable level of employment, they may by order direct that contributions, instead of being paid at the rates set out in the First Schedule to this Act, shall, for such periods as may be specified by or determined in accordance with the order, be paid at such higher or lower rates, subject to the next following subsection, as may be so specified or determined.

(2) An order under this section shall not provide—

(a) for increasing or reducing the rate of any contribution as an employed person and the rate of the corresponding employer's contribution by different amounts;

(b) for increasing or reducing the rate of the Exchequer supplement for any contributions except—

(i) where the rate of those contributions is also increased or is also reduced; and

(ii) in such manner as not to affect (except so far as appears to the Treasury expedient for convenience of calculation) the proportion which the rate of the supplement bears to that of the contributions.

(3) Contributions payable in accordance with any order under this section shall be deemed for the purposes of this Act to be contributions payable in accordance with the relevant provisions of the last foregoing section and the said First Schedule.

Variation of
contribution
rates to
stabilise
employment.

(4) Any order under this section may be varied or revoked by a further order thereunder.

PART I
—cont.

4.—(1) A person shall not be liable to pay more than one contribution as an insured person for any contribution week, and not more than one employer's contribution shall be payable in respect of any person for any contribution week.

Number
and class of
contribution
for any
week.

(2) Subject to the following provisions of this section, an insured person shall be deemed for the purpose of the provisions of this Part of this Act relating to contributions to be—

- (a) an employed person as respects any contribution week during any part of which he is an employed person;
- (b) a self-employed person as respects any other contribution week during any part of which he is a self-employed person;
- (c) a non-employed person as respects any contribution week during no part of which he is either an employed or a self-employed person.

(3) Where, as respects any employed contributor's employment—

- (a) no services are rendered by an employed person in any contribution week; and
- (b) no remuneration is paid wholly or partly in respect of any day in that week other than a day on which he either—
 - (i) is incapable of work and would but for the incapacity have been working; or
 - (ii) does not work in a normal week

then that employment shall, in relation to that week, be disregarded for the purposes of the foregoing provisions of this section; and regulations may provide, as respects any period during which no services are rendered by an employed person, that for the purposes of this subsection any payments which he receives or is entitled (whether conditionally or not) to receive in any prescribed circumstances are or are not to be deemed to be remuneration paid in respect of any day in that period.

(4) Regulations may provide for disregarding for the purposes of this section any employment in which a person engages or continues to be engaged solely or mainly for the purpose of acquiring or preserving a right or a larger right to benefit.

5.—(1) Subject to the provisions of subsection (2) of this section, regulations may provide for—

- (a) excepting insured persons from liability to pay contributions for periods—
 - (i) of unemployment or of incapacity for work;

Exceptions
from liability
for, and
crediting of,
contributions

PART I.
—cont.

(ii) of full time education or of full time unpaid apprenticeship;

(iii) when they are not in receipt (or are deemed in accordance with the regulations not to be in receipt) of an income exceeding one hundred and four pounds a year;

and for such other periods as may be prescribed;

(b) crediting contributions to insured persons for—

(i) periods for which they are excepted from liability to pay them by virtue of the foregoing paragraph; and

(ii) the period between the beginning of the contribution year last preceding that in which they become insured persons and their entry into insurance.

(2) Regulations made under sub-paragraph (iii) of paragraph (a) of the foregoing subsection shall not provide for excepting a person from liability to pay contributions otherwise than on that person's own application; and regulations made under paragraph (b) of that subsection shall not provide for crediting contributions to a person excepted from liability to pay them by virtue of the said sub-paragraph (iii) otherwise than for the purpose of entitling that person to unemployment benefit or sickness benefit for periods after he has ceased to be so excepted.

Contributions
of employed
persons and
employers.

6.—(1) Except where regulations otherwise prescribe, an employer liable to pay a contribution in respect of a person employed by him shall, in the first instance, be liable to pay also, on behalf of and to the exclusion of that person, any contribution as an insured person payable by that person for the same contribution week, and for the purposes of this Act contributions paid by an employer on behalf of an insured person shall be deemed to be contributions by the insured person.

(2) Notwithstanding any contract to the contrary, an employer shall not be entitled to deduct from the wages or other remuneration of a person employed by him, or otherwise to recover from such a person, the employer's contribution in respect of that person; and any employer who deducts or attempts to deduct the whole or any part of the employer's contribution in respect of any person from his wages or other remuneration shall be liable on summary conviction to a fine not exceeding ten pounds.

(3) An employer shall be entitled, subject to and in accordance with regulations, to recover from any insured person the amount of any contribution paid or to be paid by him on behalf of that person, and, notwithstanding anything in any enactment,

regulations under this subsection may authorise recovery by deductions from the insured person's wages or remuneration:

Provided that any such regulations shall provide that—

- (a) where the insured person does not receive any wages or other pecuniary remuneration in respect of an employed contributor's employment either from the employer or from any other person, the employer shall not be entitled to recover the amount of any such contribution from him; and
 - (b) where the insured person does receive any such wages or remuneration from the employer, the employer shall not be entitled to recover any such contribution otherwise than by deductions from the wages or remuneration.
- (4) In the following enactments, that is to say—
- (a) subsection (2) of section six of the Road Haulage Wages Act, 1938; 1 & 2 Geo. 6.
c. 44.
 - (b) subsection (1) of section ten of the Catering Wages Act, 1943; and 6 & 7 Geo. 6.
c. 24.
 - (c) subsection (1) of section thirteen of the Wages Councils Act, 1945; 8 & 9 Geo. 6.
c. 17.

(which, as amended by the Industrial Injuries Act, provide among other things that for the purpose of seeing whether a person's remuneration is less than the minimum provided for by those Acts, his remuneration shall be calculated before deduction of his contributions under the last mentioned Act), the reference to the Industrial Injuries Act shall include a reference to this Act.

(5) The Minister may in such cases and on such conditions as he may prescribe, make an arrangement with any employer who is liable to pay employer's contributions under this Act whereby, in respect of persons engaged by that employer through an employment exchange or other agency approved by the Minister, or in the employ of that employer on the date of the arrangement, the performance of all or any of the duties required under this Part of this Act to be performed by the employer in respect of those persons, whether on his own behalf or on behalf of those persons, shall be undertaken on behalf of the employer by the employment exchange or other agency.

(6) For the purposes of this section, references to a person's remuneration shall be construed, in relation to any period, as including any payments which by virtue of regulations made under subsection (3) of the last but one foregoing section are to be deemed for the purposes of that subsection to be remuneration paid to him in respect of any day in that period.

7. Where a person is in receipt of a pension or allowance payable by the Minister of Pensions, that Minister may, with the consent of that person, notwithstanding anything in any Act, Royal Payment of
contributions
by Minister
of Pensions.

PART I.
—cont.

Warrant, Order in Council, order or scheme, pay any contributions as a self-employed or non-employed person payable by that person, and deduct the amount so paid on his behalf from the pension or allowance payable to him.

General
provisions as
to payment
and collection
of contribu-
tions, etc.

8.—(1) Regulations may provide—

- (a) for any matters incidental to the payment and collection of contributions under this Act, including the co-ordination thereof with the payment and collection of contributions under the Industrial Injuries Act and the modification in that behalf of that Act;
- (b) for treating, for the purpose of any right to benefit, contributions paid after the due dates as paid on those dates or on such later dates as may be prescribed, or as not having been paid and for treating, for the purpose aforesaid, contributions payable by an employer on behalf of an insured person, but not paid, as paid where the failure to pay is shown not to have been with the consent or connivance of, or attributable to any negligence on the part of, the insured person;
- (c) for treating contributions of the wrong class or at the wrong rate as paid on account of the contributions properly payable or on account of contributions under the Industrial Injuries Act, and for treating contributions under that Act which were not payable as paid on account of contributions under this Act, notwithstanding anything in that Act;
- (d) for the return of contributions under this Act paid in error;
- (e) (without prejudice to any other remedy) for the recovery, on prosecutions brought under or by virtue of this Act, of contributions under this Act or under the Industrial Injuries Act.

(2) Where under regulations made by virtue of subsection (1) of this section contributions under this Act, with or without contributions under the Industrial Injuries Act, are payable by means of adhesive stamps, those stamps (hereafter in this Act referred to as “insurance stamps”) shall be prepared and issued in such manner as the Postmaster General, with the consent of the Treasury, may direct; and the Postmaster General may—

- (a) provide for the sale of insurance stamps through any post office; and
- (b) by regulations provide for applying, with the necessary adaptations, as respects insurance stamps, all or any of the provisions (including penal provisions) of the Stamp Duties Management Act, 1891, as amended by any subsequent enactment, and section nine of the Stamp Act, 1891, as so amended, and section sixty-five of the Post Office Act, 1908, as so amended.

54 & 55 Vict.
c. 38.
54 & 55 Vict.
c. 39.
8 Edw. 7. c. 48.

(3) Regulations made by the Minister by virtue of this section providing for the payment of contributions, at the option of the persons liable to pay, either—

PART I.
—cont.

(a) by means of insurance stamps; or

(b) by some alternative method, the use of which involves greater expense in administration to the Government departments concerned than would be incurred if the contributions were paid by means of insurance stamps;

may include provision for the payment to the Minister by any person who adopts any alternative method, and for the recovery by the Minister, of the prescribed fees in respect of the difference in the expense in administration.

9.—(1) In relation to persons who—

Persons to be
treated as
employers.

(a) are employed by more than one employer in any contribution week; or

(b) work under the general control or management of some person other than their immediate employer;

and in relation to any other cases for which it appears to the Minister that special provision is needed, regulations may provide that for the purposes of this Act the prescribed person shall be treated as their employer; and regulations made by virtue of paragraph (b) of this subsection may provide for adjusting the rights between themselves of the person prescribed as the employer, the immediate employer and the persons employed.

(2) References in this Act to a person's employer shall not be construed as including his employer in any employment other than one which is an employed contributor's employment (or, in the case of a person who is not, but would if he were under pensionable age be, an insured person, an employment which would be an employed contributor's employment in his case if he were under that age).

PART II.

BENEFIT.

Preliminary.

10.—(1) Benefit shall be of the following descriptions:—

Descriptions
and rates of
benefit and
contribution
conditions.

(a) unemployment benefit;

(b) sickness benefit;

(c) maternity benefit, which shall include maternity grant, attendance allowance and maternity allowance;

(d) widow's benefit, which shall include widow's allowance widowed mother's allowance and widow's pension;

(e) guardian's allowance;

(f) retirement pension;

(g) death grant.

PART II.
—cont.

(2) Subject to the provisions of this Act—

- (a) the weekly rates of the several descriptions of benefit, other than grants, shall be as set out in the second column of Part I of the Second Schedule to this Act and the amount of a maternity grant or a death grant shall be as set out in the second column of Part II of that Schedule; and
- (b) the contribution conditions for the several descriptions of benefit shall be as set out in the Third Schedule to this Act.

(3) References in this Act to contributions of the appropriate class shall be construed—

- (a) in relation to unemployment benefit, as references to contributions as an employed person;
- (b) in relation to sickness benefit and maternity allowance, as references to contributions as an employed or self-employed person;
- (c) in relation to any other description of benefit, as references to contributions as an insured person of any class;

and, for the purpose of any reference in this Act to contributions of the appropriate class or their equivalent, there shall be treated as equivalent to a contribution of the appropriate class such number of contributions not of that class as may be prescribed.

(4) Subject to the provisions of this Act, any reference therein to the yearly average of the contributions paid by or credited to any person shall be construed as referring to contributions as an insured person only, and to that average (calculated in the prescribed manner) over the period—

- (a) beginning with the beginning of the contribution year in which he attained school leaving age; and
- (b) ending with the end of the last complete contribution year before the date as at which the average is to be ascertained.

Unemployment and sickness benefit.

11.—(1) Subject to the provisions of this Act, a person shall be entitled to unemployment benefit in respect of any day of unemployment which forms part of a period of interruption of employment, and to sickness benefit in respect of any day of incapacity for work which forms part of such a period, if—

- (a) (subject as hereafter provided) he is under pensionable age on the day for which the benefit is claimed ; and

(b) he satisfies the relevant contribution conditions:

PART II.
—cont.

Provided that a person shall not be entitled to either benefit for the first three days of any period of interruption of employment, unless, within the period of thirteen weeks beginning with the first of those days, he has a further nine days of interruption of employment forming part of the same period of interruption of employment.

(2) For the purposes of any provision of this Act relating to unemployment or sickness benefit—

(a) a day shall not be treated in relation to any person—

(i) as a day of unemployment unless on that day he is capable of work and is, or is deemed in accordance with regulations to be, available for employment in an employed contributor's employment;

(ii) as a day of incapacity for work unless on that day he is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement;

(b) the expression "day of interruption of employment" means a day which is a day of unemployment or of incapacity for work;

(c) any two days of interruption of employment, whether consecutive or not, within a period of six consecutive days shall be treated as a period of interruption of employment, and any two such periods not separated by a period of more than thirteen weeks shall be treated as one period of interruption of employment;

(d) Sunday or such other day in each week as may be prescribed shall not be treated as a day of unemployment or of incapacity for work and shall be disregarded in computing any period of consecutive days.

(3) Regulations may make provision (subject to the last foregoing subsection) as to the days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or incapacity for work.

(4) The amount payable by way of benefit for any day of unemployment or of incapacity for work shall be one sixth of the appropriate weekly rate.

12.—(1) A person who, in respect of any period of interruption of employment, has been entitled to unemployment benefit for one hundred and eighty days shall not thereafter be entitled to that benefit for any day of unemployment (whether Exhaustion of and requalification for benefit.

PART II.
—cont.

in the same or a subsequent period of interruption of employment) unless before that day he has requalified for benefit:

Provided that, in the case of a person who before exhausting his right to unemployment benefit under this subsection has qualified in accordance with regulations for additional days of unemployment benefit (depending on the contributions of the appropriate class paid by him and the unemployment benefit to which he has been entitled), this subsection shall apply with the substitution for the reference to one hundred and eighty days of a reference to such greater number of days as may be allowed by the regulations.

(2) A person who—

(a) in respect of the period between his entry into insurance and any day of incapacity for work has paid less than one hundred and fifty-six contributions of the appropriate class; and

(b) before that day has been entitled, in respect of any period of interruption of employment (whether including that day or not), to sickness benefit for three hundred and twelve days;

shall not be entitled to sickness benefit for that day unless since the last of the said three hundred and twelve days and before that day he has requalified for benefit.

(3) Where a person has exhausted his right to either of the said benefits—

(a) he shall requalify therefor when he has paid thirteen contributions of the appropriate class in respect of contribution weeks begun or ended since the last day for which he was entitled to that benefit;

(b) on his requalifying therefor, subsection (1) or (2), as the case may be, of this section shall again apply to him, but, in a case where the period of interruption of employment in which he exhausted his right to that benefit continues after his requalification, as if the part before and the part after his requalification were distinct periods of interruption of employment.

(4) Regulations may provide for treating a person for the purposes of this section as having been entitled to benefit for any day if he would have been so entitled but for any delay or failure to make or prosecute a claim or give a notice:

Provided that a person shall not be so treated where he shows that he did not intend, by failing to acquire or establish a right to benefit for that day, to avoid the necessity of requalifying for benefit under this section.

Disqualifica-
tions and
special
conditions.

13.—(1) A person who has lost employment in an employed contributor's employment by reason of a stoppage of work which was due to a trade dispute at his place of employment shall be disqualified for receiving unemployment benefit so long as

the stoppage of work continues, except in a case where, during the stoppage of work, he has become bona fide employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation:

Provided that this subsection shall not apply in the case of a person who proves—

- (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and
- (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in or financing or directly interested in the dispute.

(2) A person shall be disqualified for receiving unemployment benefit for such period not exceeding six weeks as may be determined in such manner as may be prescribed by regulations made under the provisions of this Act relating to the determination of claims to benefit, if—

- (a) he has lost his employment in an employed contributor's employment through his misconduct, or has voluntarily left such employment without just cause;
- (b) after a situation in any suitable employment has been notified to him by an employment exchange or other recognised agency, or by or on behalf of an employer, as vacant or about to become vacant, he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him;
- (c) he has neglected to avail himself of a reasonable opportunity of suitable employment;
- (d) he has without good cause refused or failed to carry out any written recommendations given to him by an officer of an employment exchange with a view to assisting him to find suitable employment, being recommendations which were reasonable having regard to his circumstances and to the means of obtaining that employment usually adopted in the district in which he resides; or
- (e) he has without good cause refused or failed to avail himself of a reasonable opportunity of receiving training approved by the Minister of Labour and National Service in his case for the purpose of becoming or keeping fit for entry into or return to regular employment.

PART II.
—cont.

(3) Regulations may provide for disqualifying a person for receiving sickness benefit for such period not exceeding six weeks as may be determined in such manner as may be prescribed by regulations made under the provisions of this Act relating to the determination of claims to benefit, if—

- (a) he has become incapable of work through his own misconduct; or
- (b) he fails without good cause to attend for or to submit himself to such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.

(4) Regulations may also provide for imposing in the case of any class of persons additional conditions with respect to the receipt of unemployment benefit or sickness benefit and restrictions on the rate and duration thereof, if, having regard to special circumstances, it appears to the Minister necessary so to do for the purpose of preventing inequalities, or injustice to the general body of employed persons or of employed and self-employed persons, as the case may be.

(5) For the purposes of this section, employment shall not be deemed to be employment suitable in the case of any person if it is either—

- (a) employment in a situation vacant in consequence of a stoppage of work due to a trade dispute; or
- (b) employment in his usual occupation in the district where he was last ordinarily employed at a rate of remuneration lower, or on conditions less favourable, than those which he might reasonably have expected to obtain having regard to those which he habitually obtained in his usual occupation in that district, or would have obtained had he continued to be so employed; or
- (c) employment in his usual occupation in any other district at a rate of remuneration lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and employees, or, failing any such agreement, than those generally recognised in that district by good employers;

but, after the lapse of such an interval from the date on which he becomes unemployed as in the circumstances of the case is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in his usual occupation, if it is employment at a rate of remuneration not lower, and on conditions not less favourable, than those generally observed by agreement between associations

of employers and of employees, or, failing any such agreement, than those generally recognised by good employers.

PART II.
—cont.

(6) In this section—

- (a) the expression “place of employment” in relation to any person, means the factory, workshop, farm or other premises or place at which he was employed, so, however, that, where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall for the purposes of this paragraph be deemed to be a separate factory or workshop or farm or separate premises or a separate place, as the case may be;
- (b) the expression “trade dispute” means any dispute between employers and employees or between employees and employees which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises or not.

Maternity benefit.

14.—(1) Subject to the provisions of this Act, a woman shall be entitled to a maternity grant and attendance allowance if—

Maternity
grant and
attendance
allowance.

- (a) it is certified by a qualified practitioner that she has been confined; and
- (b) she or her husband satisfies the relevant contribution conditions:

Provided that she shall not be entitled—

- (i) to a maternity grant or an attendance allowance by virtue both of her own and of her husband's insurance; or
- (ii) to an attendance allowance if she satisfies the contribution conditions for a maternity allowance.

(2) The period for which an attendance allowance is payable shall be the period of four weeks beginning with the date of the confinement:

Provided that, if the woman entitled to the allowance dies, the allowance shall not be payable for any subsequent week.

(3) Regulations may provide for disqualifying a woman for receiving an attendance allowance if, during the period of four weeks beginning with the date of the confinement, she does any work as an employed or self-employed person, or fails without good cause to observe any prescribed rules of behaviour.

(4) Except where regulations otherwise provide, a woman shall not be entitled to a maternity grant or an attendance

PART II.
—cont.

allowance in respect of a confinement if on the date of the confinement she is outside Great Britain.

(5) A woman certified in accordance with subsection (1) of this section to have been confined of twins or a greater number of children shall, if the other conditions for payment of a maternity grant are satisfied in respect of the confinement, be entitled to a maternity grant for each of them.

(6) Regulations may modify the provisions of this section so far as they relate to a maternity grant with a view to making the grant payable, if the woman's claim indicates that she so desires, by virtue of a certificate that it is to be expected that she will be confined, instead of by virtue of a certificate that she has been confined.

(7) For the purposes of this section the expression "husband" includes a widow's late husband, where the benefit is claimed in respect of a posthumous son or daughter of his.

Maternity
allowance.

15.—(1) Subject to the provisions of this Act, a woman shall be entitled to a maternity allowance, if—

(a) it is certified by a qualified practitioner that it is to be expected that she will be confined in a week specified in the certificate (hereafter in this section referred to as the "expected week of confinement"), not being more than the prescribed number of weeks after that in which the certificate is given; and

(b) she satisfies the relevant contribution conditions.

(2) Subject to the following provisions of this section, the period for which a maternity allowance is payable shall be the period of thirteen weeks beginning with the sixth week before the expected week of confinement:

Provided that—

(a) if the woman entitled to the allowance dies, the allowance shall not be payable for any subsequent week;

(b) if the date of the confinement occurs after the expected week of confinement, the allowance shall, subject to the foregoing proviso, continue to be payable until the expiration of the sixth week after the week in which that date occurs.

(3) Where any question arises as to the correctness of the certificate by virtue of which a woman claims or is entitled to a maternity allowance, she may, unless the confinement has already occurred, be required in accordance with regulations to submit herself to medical examination with a view to obtaining a further certificate, and in the case of any difference between the original certificate and the further certificate her right to a maternity allowance may be determined as if the original certificate had agreed with the further certificate.

(4) Regulations may modify subsections (1) and (2) of this section in relation to cases where—

(a) it is certified by a qualified practitioner that a woman has been confined; and

(b) either—

(i) no such certificate as is referred to in paragraph (a) of the said subsection (1) has been given; or

(ii) the date of the confinement was more than seven weeks before the expected week of confinement.

(5) Regulations may provide for disqualifying a woman for receiving a maternity allowance if—

(a) during the period for which the allowance is payable, she does any work as an employed or self-employed person or fails without good cause to observe any prescribed rules of behaviour; or

(b) she fails without good cause to attend for or to submit herself to any medical examination in accordance with subsection (3) of this section.

(6) In this section the expression “week” means a contribution week.

16.—(1) For the purpose of the provisions of this Act relating to maternity benefit—

Supplemental
provisions as
to maternity
benefit.

(a) the expression “confinement” means labour resulting in the issue of a living child, or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead, and the expression “confined” shall be construed accordingly;

(b) references to the date of the confinement shall be taken as referring, where labour begun on one day results in the issue of a child on another day, to the date of the issue of the child or, if the woman is confined of twins or a greater number of children, to the date of issue of the last of them;

(c) (subject to any regulations made as to certificates given in respect of women outside the United Kingdom) the expression “qualified practitioner” means a registered medical practitioner or certified midwife or such other midwife as may be prescribed.

(2) In deciding whether or not they shall make an order under the Bastardy Laws Amendment Act, 1872, for the payment of the expenses incidental to the birth of a child, the justices shall not take into consideration the fact that the mother of the child is entitled to maternity benefit.

35 & 36 Vict.
c. 65.

PART II.

—cont.

Widow's
benefit.*Widow's benefit.*

17.—(1) Subject to the provisions of this Act, a widow shall be entitled to widow's benefit if the husband satisfied the relevant contribution conditions, and—

- (a) in the case of a widow's allowance, if at the husband's death either he was not entitled to a retirement pension or she was under pensionable age;
- (b) in the case of a widowed mother's allowance, if the widow has a family which includes a child who, or children one of whom, either was at the husband's death a child of his family or is a son or daughter of theirs;
- (c) in the case of a widow's pension, if (subject to the next following section) at the husband's death he and the widow had been married for not less than ten years and she was over the age of fifty but under pensionable age.

(2) The period for which widow's benefit is payable to a widow shall be—

- (a) in the case of a widow's allowance, the thirteen weeks next following the husband's death;
- (b) in the case of a widowed mother's allowance, any period during which she has such a family as aforesaid and for which she is not entitled to a widow's allowance; and
- (c) in the case of a widow's pension, any period during which she is under pensionable age and for which she is not entitled to a widow's allowance or widowed mother's allowance:

Provided that the benefit shall not be payable for any period after her death or remarriage or for any period during which she is cohabiting with a man as his wife.

(3) Where the earnings of the widow have exceeded thirty shillings for the week preceding any week for which she is entitled to a widowed mother's allowance or a widow's pension, the weekly rate of the allowance or pension shall for the last mentioned week be reduced by one shilling for each complete shilling of the excess.

(4) In this section the expression "the husband", in relation to a woman who has been married more than once, refers only to her last husband.

Widows'
pensions in
special cases.

18.—(1) Where a widow, in relation to whom the conditions for a widow's pension contained in paragraph (c) of subsection (1) of the last foregoing section are not satisfied, ceases to be entitled to a widowed mother's allowance at a time when—

- (a) she is over the age of forty but under pensionable age; and

(b) ten years have elapsed since the date of the marriage in respect of which the allowance is payable;

she shall for any subsequent period have the same right (if any) to a widow's pension in respect of that marriage as if the said conditions were satisfied.

(2) Where a widow, in relation to whom neither the said conditions for a widow's pension nor the alternative conditions contained in the foregoing subsection are satisfied, ceases to be entitled to a widow's allowance or to a widowed mother's allowance at a time when she is pregnant by her late husband, she shall, for the remainder of the period of that pregnancy, have the same right (if any) to a widow's pension in respect of her marriage to the husband as if the said conditions were satisfied.

(3) Regulations may provide that, where a widow, in relation to whom neither the said conditions for a widow's pension nor the alternative conditions contained in subsection (1) of this section are satisfied, would but for the regulations cease to be entitled to widow's benefit at a time when she is by reason of any infirmity incapable of self-support and is under pensionable age, she shall, for any subsequent period during which she is incapable of self-support by reason of that infirmity have the same right (if any) to a widow's pension in respect of the marriage in respect of which she was entitled to the widow's benefit as if the said conditions were satisfied.

(4) Where a widow is entitled to a widow's pension by virtue of the last foregoing subsection but ceases to be so entitled at a time when—

(a) she is over the age of fifty but under pensionable age; and

(b) ten years have elapsed since the date of the marriage in respect of which the pension is payable;

she shall for any subsequent period have the same right (if any) to a widow's pension in respect of that marriage as if she had attained the age of fifty and the said ten years had elapsed before the husband's death.

(5) Where a widow has been married more than once, regulations may relax, for the purpose of her right to a widow's pension in respect of her last marriage, the condition as to the duration of that marriage contained in paragraph (c) of subsection (1) of the last foregoing section (or, in a case to which instead of that condition the alternative condition contained in paragraph (b) of subsection (1) or subsection (4) of this section applies, the said alternative condition).

PART II.
—cont.
Guardian's
allowance.*Guardian's allowance.*

19.—(1) Subject to the provisions of this Act, a person shall be entitled to a guardian's allowance in respect of any child who is for the time being a child of his family, if—

- (a) the parents of the child are dead; and
- (b) one at least of them was an insured person:

Provided that regulations may modify paragraphs (a) and (b) of this subsection in relation to cases—

- (i) where a child has been adopted, or is illegitimate; or
- (ii) where the marriage of a child's parents was terminated by divorce, or the child's parents or one of them cannot be traced.

8 & 9 Geo. 6.
c. 41.

(2) In the case of a child who is a child of the family of a man and his wife, the wife only shall be entitled to a guardian's allowance, but subsections (2) to (6) of section four of the Family Allowances Act, 1945 (which relate to the person to receive an allowance under that Act payable in respect of such a child) shall apply in relation to a guardian's allowance as they apply in relation to an allowance under that Act.

(3) In this section the expression "parent" includes a step-parent.

*Retirement pensions.*Retirement
pensions.

20.—(1) Subject to the provisions of this Act, a person shall be entitled to a retirement pension if—

- (a) he is over pensionable age and has retired from regular employment; and
- (b) he satisfies the relevant contribution conditions.

(2) For the purposes of this Act—

- (a) a person may, subject to the next following paragraph, be treated as having retired from regular employment at any time after he has attained pensionable age—
 - (i) whether or not he has previously been engaged in a gainful occupation;
 - (ii) notwithstanding that he is engaged or intends to engage in a gainful occupation, if he is engaged or intends to engage therein only occasionally or to an inconsiderable extent or otherwise in circumstances not inconsistent with retirement;
- (b) subject to the next following paragraph, a person shall not be treated as having retired from regular employment unless he has given the prescribed notice of his retirement, but if on the date of the notice (or, where the notice specifies a later date as the date of retirement,

on the date so specified) he has so retired, he shall be deemed so to retire on that date;

(c) a person who has not previously retired from regular employment shall be deemed so to retire on the expiration of five years from his attaining pensionable age; and

(d) references to the date of a person's retirement shall be construed accordingly.

(3) Subject to the provisions of this Act, a retirement pension shall be payable from the date of retirement for life.

(4) Subject to the next following subsection, the weekly rate of a retirement pension shall be increased by one shilling for every twenty-five contributions as an employed or self-employed person paid by the beneficiary in respect of the period after his attaining pensionable age.

(5) Where the earnings of a beneficiary who is less than five years over pensionable age have exceeded twenty shillings for the week preceding any week for which he is entitled to a retirement pension, the weekly rate of his pension shall for the last mentioned week be reduced by one shilling for each complete shilling of the excess:

Provided that this subsection shall not affect the rate of the pension for the first week after the date of the beneficiary's retirement.

21.—(1) Subject to the provisions of this Act, a woman over pensionable age shall be entitled to a retirement pension by virtue of the insurance of her husband, being a husband— Special provisions as to women.

(a) to whom she is married at the time when she attains that age; or

(b) in respect of whose death she was immediately before attaining that age entitled to widow's benefit; or

(c) whom she has married after attaining that age;

if the following conditions are satisfied, that is to say:—

(i) either that he is over pensionable age and both have retired from regular employment, or that he is dead; and

(ii) that he satisfies the relevant contribution conditions; and

(iii) in a case where she has married the husband after attaining pensionable age, such further conditions as may be prescribed.

(2) Subject to the provisions of this Act, a retirement pension payable to a woman by virtue of her husband's insurance shall commence from the date on which the provisions of the foregoing

PART II.
—*con.*

subsection are satisfied in relation to the pension and shall be payable for life:

Provided that, if a widow entitled to a retirement pension by virtue of her late husband's insurance remarries, the pension shall not be payable for any subsequent period.

(3) Subsections (4) and (5) of the last foregoing section shall apply to a retirement pension payable to a woman by virtue of her husband's insurance as they apply to a pension payable by virtue of a person's own insurance, subject in the case of the said subsection (4) to the modifications that—

(a) any increase in the rate under that subsection shall depend on his contributions and not on hers; and

(b) contributions paid by him for any period while he was over, but she was under, pensionable age, shall not be taken into account for the purposes of that subsection; and, where she has married him after she attained pensionable age, to such other modifications as may be prescribed.

(4) A woman shall not be entitled for the same period to more than one retirement pension, but if she would be so entitled but for this provision may, on such occasions and in such manner as may be prescribed, choose which she shall be entitled to.

(5) Where on attaining pensionable age a woman is married, she shall not be entitled to a retirement pension by virtue of her own insurance unless the number of contributions paid by or credited to her in respect of the period between the date of the marriage and her attaining that age is not less than one-half of the number of complete contribution weeks in the period.

(6) Where immediately before attaining pensionable age a woman is a widow not entitled to widow's benefit, she may elect that, in calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall be treated as so paid or credited either—

(a) for each contribution year falling wholly or partly before her husband's death; or

(b) for each contribution year falling wholly or partly during the period of their marriage;

a number of contributions equal to the yearly average (ascertained as at the date of his attaining pensionable age or dying under that age) of the contributions paid by or credited to him, instead of the number of contributions actually paid by or credited to her for that year.

*Death grant.*PART II.
—cont.
Death grant.

22.—(1) Subject to the provisions of this Act, a person shall be entitled to a death grant in respect of the death of any person (hereafter in this section referred to as “the deceased”) if—

(a) he has reasonably incurred or reasonably intends to incur, in connection with the deceased’s death, expenses to which this section applies; and

(b) the deceased either himself satisfied the relevant contribution conditions, or was at death the husband, wife, widower, widow, or a child of the family, of a person satisfying the said conditions, or a child who—

(i) had, immediately before the death of some other person satisfying the said conditions, been a child of the family of that other person; or

(ii) was a posthumous son or daughter of a man satisfying the said conditions.

(2) The expenses to which this section applies are any expenses, of an appreciable amount, in connection with the funeral of the deceased, or with the claimant’s attendance thereat, or with the attendance thereat of other persons, or with the purchase of mourning; and for the purposes of this subsection—

(a) the expression “funeral” includes any memorial service or similar observance; and

(b) references to expenses in connection with attendance at a funeral include references to any loss of remunerative time due to the attendance.

(3) Except where regulations otherwise provide, a death grant shall not be payable in respect of a death occurring outside Great Britain.

(4) A death grant shall not be payable to any body corporate or to any unincorporated association of persons, or to any person in respect of expenses incurred as a member of or on behalf of any such body or association.

(5) The cost, to such amount as may be prescribed, of the burial or cremation of any person by or under the direction of the council of a county or county borough, or by or under the direction of any such other association of persons as may be approved by the Minister may be paid to the council or association out of the National Insurance Fund if—

(a) the conditions for the payment of a death grant in respect of the said person’s death are satisfied so far as relates to paragraph (b) of subsection (1) and subsection (3) of this section; and

(b) no such death grant has been paid;

and where any sum is paid under this subsection in respect of

PART II.
—cont.

any person's burial or cremation any death grant subsequently paid in respect of his death shall be reduced by the amount of the said sum.

(6) Not more than one person shall be entitled to a death grant in respect of the same death; and regulations may make provision—

- (a) as to the priority of two or more claimants satisfying the conditions for receipt of the grant in respect of the same death; and
- (b) for suspending proceedings on any claim where there is reason to suppose that another claim may be or may have been made in respect of the same death by a person having a prior right by virtue of the foregoing paragraph.

Additional rights to benefit.

Increase of
benefit for
children.

23.—(1) Subject in the case of a retirement pension to the following provisions of this section, the weekly rate of unemployment benefit, sickness benefit, a retirement pension or a widow's allowance shall, for any period for which the beneficiary has a family which includes a child or children, be increased in respect of that child or the elder or eldest of those children by the amount set out in the third column of Part I of the Second Schedule to this Act.

(2) Where the beneficiary is a man, a child of the family of any woman for the time being residing with him shall be treated for the purposes of this section as a child of his family if the child—

- (a) is an illegitimate son or daughter of theirs; or
 - (b) was born not less than six months before the day for which benefit is claimed and wholly or mainly maintained by the beneficiary throughout the six months ending immediately before that day.
- (3) In the case of a retirement pension—
- (a) subsection (1) of this section, so far as it relates to the amount of the increase, shall have effect subject to the provisions of this Act reducing the rate of the pension in respect of the beneficiary's earnings;
 - (b) where a man and his wife are both entitled to a pension by virtue of his insurance, they shall not both be entitled for the same period to an increase under this section, whether in respect of the same child or different children;
 - (c) for any reference in subsection (2) of this section to the day for which benefit is claimed there shall be substituted a reference to the date of retirement.

(4) Where, but for paragraph (b) of the last foregoing subsection, a man and his wife would both be entitled to an increase of a retirement pension under this section, regulations may make provision as to their priority.

24.—(1) Subject to the following provisions of this section, the weekly rate of unemployment benefit, sickness benefit or a retirement pension shall be increased by the amount set out in the fourth column of Part I of the Second Schedule to this Act for any period during which the beneficiary is residing with or is wholly or mainly maintaining his wife who is not engaged in any gainful occupation or occupations from which her weekly earnings exceed twenty shillings. Increase of benefit for adult dependants.

(2) The weekly rate of unemployment benefit or sickness benefit shall, except in the case of a beneficiary entitled to an increase thereof in respect of his wife under the last foregoing subsection, be increased by the amount set out as aforesaid for any period during which—

- (a) the beneficiary is wholly or mainly maintaining her husband who is incapable of self-support;
- (b) the beneficiary has residing with him and is wholly or mainly maintaining such other relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled; or
- (c) some female person (not being a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of the last foregoing section, being a person in relation to whom such further conditions as may be prescribed are fulfilled:

Provided that a beneficiary shall not be entitled for the same period to an increase of benefit under this subsection in respect of more than one person.

(3) In the case of a retirement pension, this section—

- (a) shall not apply where the beneficiary is a married man and his wife is over pensionable age; and
- (b) so far as it relates to the amount of the increase, shall have effect subject to the provisions of this Act reducing the rate of the pension in respect of the beneficiary's earnings.

(4) In this section the expression "relative" does not include any person who is a child, but includes a person who is a relative by marriage or adoption and a person who would be a relative if some person born illegitimate had been born legitimate.

25.—(1) Subject to the provisions of this section, regulations may provide for entitling to unemployment benefit, sickness benefit, widow's benefit, a retirement pension or a death grant Partial satisfaction of contribution conditions.

PART II.
—*cont.*

persons who would be entitled thereto but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid or credited in a contribution year or the yearly average of contributions paid or credited.

(2) Regulations under this section shall provide that benefit payable by virtue of any such regulations shall be payable at a rate, or shall be of an amount, less than that specified in the Second Schedule to this Act, and the rate or amount prescribed by the regulations may vary with the extent to which the contribution conditions are satisfied:

Provided that the amount of—

(a) any increase of benefit in respect of a child; and

(b) any increase of a retirement pension in respect of contributions paid after attaining pensionable age;

shall be the same as if the relevant contribution conditions had been fully satisfied.

Unemploy-
ment and
sickness
benefit for
persons over
pensionable
age.

26.—(1) The provisions of this Act making it a condition for unemployment or sickness benefit that the claimant should be under pensionable age on the day for which benefit is claimed shall not apply to a person who on that day has not retired from regular employment; but a person shall not be entitled by virtue of this section—

(a) to either such benefit for any day unless on that day he would have been entitled to a retirement pension had he then retired from regular employment and made the necessary claim; or

(b) subject to the following provisions of this section, to either such benefit at a weekly rate which is in excess either—

(i) of that at which the said retirement pension would have been payable; or

(ii) of twenty-six shillings.

(2) For the purposes of paragraph (b) of the foregoing subsection, any increase, whether of the retirement pension or of the unemployment or sickness benefit, in respect of a child shall be disregarded.

(3) Where the beneficiary is a married man, any increase, whether of the retirement pension or of the unemployment or sickness benefit, in respect of his wife shall also be disregarded for the purposes of the said paragraph (b), but—

(a) where his wife is under pensionable age, he shall not be entitled to such an increase of the unemployment or sickness benefit at a rate in excess of that of the increase of the retirement pension;

(b) where his wife is over pensionable age, he shall not be entitled either—

(i) to such an increase of the unemployment or sickness benefit for any day unless on that day she would have been entitled to a retirement pension by virtue of his insurance had they both then retired from regular employment and had she made the necessary claim; or

(ii) to such an increase of that benefit at a rate in excess of that at which her said retirement pension would have been payable.

(4) In determining for the purposes of the foregoing provisions of this section the rate at which a retirement pension would have been payable (including the rate of any increase thereof), the provisions of this Act reducing the rate of a retirement pension in respect of a beneficiary's earnings shall be deemed not to apply.

(5) Where the claimant or beneficiary is a woman and is or has been married, any reference in subsection (1) of this section to a retirement pension shall be construed as referring only to a retirement pension payable by virtue of her own insurance.

27.—(1) Any body of persons claiming to represent, or to be entitled to be treated as representing, insured persons of any class and (if or in so far as the class is a class of employed persons) their employers may submit to the Minister a scheme (hereafter in this Act referred to as a “supplementary scheme”) for supplementing the rights conferred on those insured persons by this Act, whether by providing for additional payments in cases for which benefit is provided by this Act, or by providing for payments in other cases, or otherwise.

(2) The Minister may by order approve, whether with or without amendment, any supplementary scheme if he is satisfied that it is expedient that the scheme should come into operation:

Provided that the Minister before approving a supplementary scheme shall take steps to ascertain so far as practicable the views of any insured persons or employers affected thereby who in his opinion are not represented by the body submitting the scheme.

(3) Subject to the provisions of this section, a supplementary scheme may—

(a) apply for the purposes of the scheme (including in particular the purpose of determining any question as to the application of the scheme to any person or class of persons) any of the provisions of this Act or of regulations, with or without modifications;

(b) make such provision for the constitution of a body to be charged with the administration of the scheme and with respect to the supervision of the administration of the scheme and accounts as the Minister

PART II.
— cont.

considers to be necessary for the purpose of giving effect to the scheme (including provision for the making of returns to the Minister as to matters affecting the operation of the scheme);

- (c) provide for the participation of the Minister in the administration of the scheme to such an extent and for such purposes as may be therein specified;
- (d) provide for the defraying, out of any funds which may be available for the purposes of the scheme, of such fees and other charges as may be determined by the Minister, with the concurrence of the Treasury, in respect of the participation of the Minister in the administration of the scheme as aforesaid;
- (e) contain such other provisions as the Minister considers to be necessary for the purpose of giving effect to the scheme.

(4) No part of the funds required for providing benefits under a supplementary scheme or otherwise in connection therewith shall be derived from moneys provided by Parliament:

Provided that nothing in this subsection shall prevent the making, in respect of persons whose remuneration is or may be defrayed out of moneys provided by Parliament, of a scheme whereunder contributions are payable by employers.

(5) The provisions (other than this section) of this Act, and the provisions of any regulations, shall not, except in so far as they are applied by a supplementary scheme, apply to or have effect in relation to or for the purposes of the scheme.

(6) A supplementary scheme when approved by the Minister shall continue in force until determined in accordance with the provisions thereof.

(7) The Minister may by order—

- (a) vary or amend the provisions of a supplementary scheme in any manner and at any time if so requested by—
 - (i) the body by whom it was submitted, or any other body of persons which in his opinion is concerned as representing insured persons or employers; or
 - (ii) the body charged with the administration of the scheme; and
- (b) where it appears to him that, having regard to any periodic audit and valuation, the fund constituted under the scheme—
 - (i) is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities; or
 - (ii) is and is likely to continue to be more than reasonably sufficient to discharge its liabilities;after consultation with the last mentioned body make such modifications in any of the rates of contribution

or the rates or periods of benefit under the scheme as appear to him to be required in order to make the fund, as the case may be, sufficient or no more than reasonably sufficient to discharge its liabilities;

and a supplementary scheme may empower the body charged with the administration of the scheme to make, if the Minister so directs, such temporary modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as are, in the opinion of the Minister, sufficient to secure the solvency of the fund constituted under the scheme.

Miscellaneous provisions as to benefit.

28.—(1) Subject to the provisions of subsections (3) and (4) of this section, it shall be a condition of any person's right to any benefit that he makes a claim therefor in the prescribed manner. Claims and notices.

(2) Regulations may provide for disqualifying a person—

- (a) (subject to the provisions of subsection (3) of this section) for the receipt of any benefit if he fails to make his claim therefor within the prescribed time; and
- (b) for the receipt of sickness benefit if he fails, on becoming or again becoming incapable of work, to give the prescribed notice of that fact within the prescribed time:

Provided that any such regulations shall provide for extending, subject to any prescribed conditions, the time within which the claim may be made or notice may be given in cases where good cause is shown for delay.

(3) Nothing in the foregoing provisions of this section relating to the making of claims shall affect any right of a widow to a retirement pension by virtue of the insurance of her husband in respect of whose death she was immediately before attaining pensionable age entitled to widow's benefit.

(4) Any claim for any benefit under this Act may be treated—

- (a) for the purposes of this section as a claim, in the alternative, for such other benefit thereunder as may be prescribed; or
- (b) for the purposes of the Industrial Injuries Act as a claim, in the alternative, for such benefit under that Act as may be prescribed; or
- (c) for the purposes of the Family Allowances Act, 1945, (in any prescribed cases) as a claim, in the alternative, for a payment under that Act;

and any claim for benefit under the Industrial Injuries Act or a payment under the Family Allowances Act, 1945, may be treated for the purposes of this section as a claim, in the alternative, for such benefit under this Act as may be prescribed.

PART II.
—cont.

(5) For the purposes of this Part of this Act any claim or notice made or sent by post shall be deemed to have been made or given on the day on which it was posted.

Disqualifica-
tion or
suspension for
absence abroad
or imprison-
ment

29.—(1) Except where regulations otherwise provide, a person shall be disqualified for receiving any benefit, and an increase of benefit shall not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person—

(a) is absent from Great Britain; or

(b) is undergoing penal servitude, imprisonment or detention in legal custody.

(2) Regulations may provide for the suspension of payment to or in respect of any person during any such period as aforesaid of benefit which is excepted from the operation of the foregoing subsection or which is payable otherwise than in respect of that period.

Overlapping
benefits, &c.

30.—(1) Regulations may provide—

(a) for adjusting benefit payable to or in respect of any person, or the conditions for the receipt thereof, where—

(i) any pension or allowance payable out of public funds (excluding an allowance under the Family Allowances Act, 1945, but including any other benefit under this Act whether of the same or a different description) is payable to or in respect of that person or his wife or her husband; or

(ii) that person is undergoing medical or other treatment as an in-patient in a hospital or similar institution;

(b) for suspending payment of benefit to a person during any period during which he is undergoing medical or other treatment as aforesaid;

(c) for treating as reduced by the prescribed amount any arrears of benefit payable to or in respect of any person for a period in respect of which there has been granted to or on account of that person any outdoor relief, allowance under the Unemployment Assistance Acts, 1934 to 1940, or supplementary pension under Part II of the Old Age and Widows' Pensions Act, 1940, and for the payment to the authority granting the relief or to the Assistance Board, as the case may be, out of the National Insurance Fund of an amount equal to the reduction.

(2) Where but for regulations made by virtue of paragraph (a) of the foregoing subsection two persons would both be entitled to an increase of benefit in respect of a third person, regulations may make provision as to their priority.

(3) Regulations may provide for adjusting sickness benefit payable to any person in respect of any injury or disease, or the conditions for the receipt thereof, where that person is or has been entitled in respect of that injury or disease to a weekly payment under the Workmen's Compensation Acts or under any contracting out scheme duly certified thereunder.

(4) Where a person is entitled to a guardian's allowance in respect of a child, the allowances payable under the Family Allowances Act, 1945, for his family shall be such only as would be payable if that child were not included in the family.

(5) In this section—

(a) the expression "hospital or similar institution" includes a workhouse; and

(b) the expression "Workmen's Compensation Acts" means the Workmen's Compensation Acts, 1925 to 1945, or the enactments repealed by the Workmen's Compensation Act, 1925, or the enactments repealed by the Workmen's Compensation Act, 1906. 15 & 16 Geo. 5.
c. 84.
6 Edw. 7. c. 58.

31.—(1) Regulations may provide that a person who would be entitled to any benefit but for the operation of either of the two last foregoing sections or of any other provision of this Act disqualifying him for receipt of that benefit shall be treated as if entitled thereto for the purpose of any rights or obligations under this Part of this Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit: Disqualifica-
tions, etc. to be
disregarded
for certain
purposes.

Provided that regulations under this subsection shall not provide that a person disqualified for receiving unemployment benefit or sickness benefit by reason only of a delay or failure to make a claim or give a notice shall be treated as having been entitled thereto for the purpose of ascertaining whether his right to that benefit has been exhausted.

(2) In relation to any payment under the Industrial Injuries Act, section thirty-three of that Act (which makes as respects rights and obligations under that Act provision similar to the foregoing subsection) shall apply to rights and obligations under this Part of this Act as it applies to rights and obligations under that Act.

32. Subject to the provisions of this Act, every assignment of, or charge on, benefit, and every agreement to assign or charge benefit shall be void, and, on the bankruptcy of a beneficiary, the benefit shall not pass to any trustee or other person acting on behalf of his creditors. Benefit to be
inalienable.

PART II.

—cont.

Proceedings
by employees
for benefit
lost by
employer's
default.

Supplementary.

33.—(1) Where an employer has failed or neglected—

- (a) to pay any contributions which under this Act he is liable to pay on behalf of any employed person in his employment; or
- (b) to comply, in relation to any such person, with the requirements of any regulations relating to the payment and collection of contributions;

and by reason thereof that person has lost, in whole or in part, any unemployment benefit, sickness benefit, or maternity benefit to which he or she would have been entitled, that person shall be entitled to recover summarily from the employer as a civil debt a sum equal to the amount of the benefit so lost.

(2) Where the employed person is a man, his wife or widow shall have the same right to recover under the foregoing subsection in respect of maternity benefit lost by her as if the employer's failure or neglect had been in respect of her.

(3) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Act in respect of the same failure or neglect.

(4) Proceedings under this section may, notwithstanding any enactment to the contrary, be brought at any time within one year after the date on which the employed person or his wife or widow, but for the failure or neglect of the employer, would have been entitled to receive the benefit lost.

Provisions
as to
maintenance.

34.—(1) Regulations may provide for determining the circumstances in which a person is or is not to be deemed for the purposes of this Part of this Act to be wholly or mainly maintaining another person.

(2) Regulations under the foregoing subsection may provide, for the purpose of the provisions relating to an increase of benefit in respect of a wife or other adult dependant, that where—

- (a) a person is partly maintained by each of two or more beneficiaries, each of whom would be entitled to such an increase in respect of that person if he were wholly or mainly maintaining that person; and
- (b) the contributions made by those two or more beneficiaries towards the maintenance of the person amount in the aggregate to sums which would, if they had been contributed by one of those beneficiaries, be sufficient to satisfy the requirements of regulations made by virtue of subsection (1) of this section;

that person shall be deemed for the purpose of the said provisions to be wholly or mainly maintained by such of those beneficiaries as may be prescribed.

PART III.

FINANCE, ADMINISTRATION AND LEGAL PROCEEDINGS.

Finance.

35.—(1) For the purposes of this Act, there shall be established, under the control and management of the Minister, a fund called “the National Insurance Fund,” into which shall be paid all contributions payable under this Act by employers and insured persons and out of moneys provided by Parliament, and out of which shall be paid all claims for benefit.

National
Insurance
Fund.

(2) Accounts of the National Insurance Fund shall be prepared in such form, in such manner and at such times as the Treasury may direct, and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before Parliament.

(3) Any moneys forming part of the National Insurance Fund may from time to time be paid over to the National Debt Commissioners and by them invested, in accordance with such directions as may be given by the Treasury, in any securities which are for the time being authorised by Parliament as investments for savings banks funds.

(4) The National Debt Commissioners shall present to Parliament annually an account of the securities in which moneys forming part of the National Insurance Fund are for the time being invested.

36.—(1) For the purposes of this Act, there shall be established, under the control and management of the Minister, a fund called “the National Insurance (Reserve) Fund,” to which shall be carried all such assets held for the purposes of the enactments repealed by this Act as are by this Act directed to be held on behalf of the said Fund, and which shall be maintained as a reserve for the National Insurance Fund.

National
Insurance
(Reserve)
Fund.

(2) Subsections (2), (3) and (4) of the last foregoing section shall apply to the National Insurance (Reserve) Fund as they apply to the National Insurance Fund.

(3) Any sums determined by the Treasury to be income of the National Insurance (Reserve) Fund shall be paid into the National Insurance Fund.

(4) Subject to the foregoing provisions of this section and any other provision of this Act expressly directing payments to be made out of the National Insurance (Reserve) Fund, a payment out of that Fund shall not be made otherwise than under the authority of a resolution of the Commons House

PART III.
—cont.

of Parliament and shall be made subject to such conditions as to repayment or otherwise as may be specified in the resolution.

(5) There may be transferred from time to time from the National Insurance Fund to the National Insurance (Reserve) Fund such assets as the Minister, with the approval of the Treasury, may determine.

Contributions
to National
Health
Service.

37.—(1) As from the appointed day the Minister may make, in respect of each year or other period determined by the Treasury, payments in respect of the cost of any national health service hereafter established by Parliament, not exceeding the aggregate of the sums produced by multiplying—

(a) the sum set out in the second column of the Fourth Schedule to this Act in relation to each of the descriptions of persons specified in the first column of that Schedule; by

(b) the number (estimated in such manner as the Treasury may determine) of contributions paid in respect of that year or other period by insured persons of those descriptions respectively.

(2) Any payment under this section shall be made to the Exchequer in such manner as the Treasury may direct and shall be made out of the National Insurance Fund.

Expenses of
Minister and
other
Government
departments.

38.—(1) There shall be paid out of moneys provided by Parliament any expenses incurred by the Minister or any other Government department in carrying this Act into effect except expenses required by some provision thereof to be paid out of the National Insurance Fund.

(2) There shall be paid to the Treasury out of the National Insurance Fund, at such times and in such manner as the Treasury may direct, such sum as the Minister may estimate in accordance with directions given by the Treasury to be the amount of the said expenses of the Minister or any other Government department; and in estimating expenses for the purposes of this subsection there shall be included—

(a) such amount as in the opinion of the Treasury approximately represents the amount of the accruing liability in respect of any superannuation allowances, lump sums or gratuities payable under the Superannuation Acts, 1834 to 1943, to which any officers, inspectors or servants employed for the purposes of this Act or the legal personal representatives of any such persons will become entitled in respect of that employment;

PART III.
—cont.

(b) in respect of the use of any premises belonging to the Crown and used for the purposes of this Act, an amount determined by the Treasury with the consent of the Minister, regard being had to the rental value of the premises.

39.—(1) The Government Actuary shall—

Reports by
Government
Actuary.

(a) review the operation of this Act during the period ending with the thirty-first day of March next after the expiration of five years from the appointed day and thereafter during the period ending with the thirty-first day of March in every fifth year and, on each such review, make a report to the Treasury on the financial condition of the National Insurance Fund and the adequacy or otherwise of the contributions payable under this Act to support the benefits payable thereunder having regard to its liabilities under the last two foregoing sections and any other liabilities under this Act;

(b) make an interim review of, and report to the Treasury on, the operation of this Act during the period ending with the thirty-first day of March next after the expiration of one year from the appointed day and thereafter during the period of twelve months ending with the thirty-first day of March in every year other than a year in which the period to be covered by a review and report under the foregoing paragraph ends:

Provided that the Treasury may at any time direct that the period to be covered by a review and report under paragraph (a) of this subsection shall be reduced and that the making of that and subsequent reviews and reports under that paragraph shall be accelerated accordingly, and may dispense with the making of a review and report under paragraph (b) thereof in any year.

(2) The Treasury shall lay before Parliament a copy of every report made to them under this section.

(3) Any function under this section of the Government Actuary may be performed by the Deputy Government Actuary.

40.—(1) As soon as may be after a copy of any report under paragraph (a) of subsection (1) of the last foregoing section is laid before Parliament, the Minister shall review the rates and amounts of benefit in relation—

Quinquennial
reviews of
rates of
benefit.

(a) to the circumstances at the time of insured persons in Great Britain, including in particular the expenditure which is necessary for the preservation of health and working capacity; and

PART III.
—cont.

(b) to any changes in those circumstances since the rates and amounts of benefit were laid down by this Act or any Act amending it and to the likelihood of future changes.

(2) On the completion of any review under this section the Minister shall lay a report thereon before Parliament.

*Administration.*National
Insurance
Advisory
Committee.

41.—(1) There shall be constituted a committee, to be called “the National Insurance Advisory Committee,” to give advice and assistance to the Minister in connection with the discharge of his functions under this Act and to perform any other duties allotted to them under this Act.

(2) The provisions of the Fifth Schedule to this Act shall have effect with respect to the constitution of the said Committee and other matters relating to the Committee.

(3) The Minister may from time to time refer to the said Committee for consideration and advice such questions relating to the operation of this Act as he thinks fit (including questions as to the advisability of amending this Act).

(4) The Minister shall furnish the Committee with such information as they may reasonably require for the proper discharge of their functions under this Act.

Local
advisory
committees.

42.—(1) Regulations may provide for the reference to local committees representing employers or insured persons or both, for consideration and advice, of questions bearing upon the administration of this Act, and for the payment by the Minister to the members of any such committee, and to persons attending its meetings at the request of the committee, of such expenses and travelling and other allowances (including compensation for loss of remunerative time) as the Minister with the consent of the Treasury may determine.

(2) The persons selected as members of the said committees may include persons put forward by organisations concerned with the interests of employers or insured persons, including friendly societies or organisations representative of friendly societies.

Determination
of claims and
questions.

43.—(1) Subject to the provisions of this Act, regulations may provide for the determination by the Minister, or by a person or tribunal appointed or constituted in accordance with the regulations, of any question arising under or in connection with this Act, including any claim for benefit, and subject to the provisions of the regulations the decision in accordance therewith of any such question shall be final.

(2) The foregoing subsection shall not apply to any question—

(a) whether any person is or was a child or is or was under school leaving age;

(b) whether any person has or had a family including a child or children, or is or was a child of some other person's family (not, however, including the question whether a person is to be treated for the purpose of any provision of this Act as having a family as aforesaid, or as being a child of some other person's family);

but any such question shall be determined in like manner, subject to any prescribed modifications and adaptations, as a corresponding question arising in respect of an allowance under the Family Allowances Act, 1945; and any decision of any such question, if given for the purposes of that Act or of the Industrial Injuries Act, shall have effect also for the purposes of this Act or, if given for the purposes of this Act, shall have effect also for the purposes of those Acts.

(3) Regulations under subsection (1) of this section shall not provide for the determination by the Minister of questions as to the right to benefit, but shall provide—

- (a) for the submission of such questions in the first instance to an officer appointed by the Minister;
- (b) for authorising the said officer either himself to determine any such question or to refer it to a local tribunal, and for enabling appeals to be brought from the officer's decisions to such a tribunal;
- (c) for enabling appeals to be brought from such a tribunal to a Commissioner (to be called "the National Insurance Commissioner") or deputy Commissioner appointed by His Majesty for the purposes of this Act (being in either case a barrister or advocate of not less than ten years standing) or to a tribunal presided over by the National Insurance Commissioner or a deputy Commissioner:

Provided that this subsection shall not apply to questions—

- (i) whether the contribution conditions for any benefit are satisfied, or otherwise relating to an insured person's contributions; or
- (ii) as to entitlement to a death grant; or
- (iii) which of two or more persons satisfying the conditions for an increase of benefit, whether of the same or a different description, shall be entitled to the increase where by virtue of some provision of this Act not more than one of them is entitled to the increase; or
- (iv) as to the class of insured persons in which a person is to be included.

(4) Regulations under subsection (1) of this section may provide for the reference to the High Court for decision of any question of law arising in connection with the determination of a question by the Minister, and for appeals to the High

PART III.
—cont.

Court from the decision of the Minister on any such question of law; and—

- (a) provision shall be made by rules of court for regulating references and appeals to the High Court under this subsection and for limiting the time within which appeals may be brought thereunder;
- (b) so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires an appeal from any person to the High Court to be heard and determined by a divisional court shall not apply to appeals under this subsection;
- (c) notwithstanding anything in any Act, the decision of the High Court on a reference or appeal under this subsection shall be final and on any such reference or appeal the court may order the Minister to pay the costs of any other person, whether or not the decision is in his favour and whether or not the Minister appears on the reference or appeal.

15 & 16 Geo. 5.
c. 49.

(5) Subject to the provisions of this section, regulations made thereunder may, in relation to the determination of questions in accordance with the regulations, include provision—

- (a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;
- (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision or for producing any evidence;
- (c) for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses;

and except so far as they may be applied by regulations under this subsection the Arbitration Acts, 1889 to 1934, shall not apply to any proceedings under this section.

It is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not.

(6) Regulations may provide that where in any proceedings—

- (a) for an offence under this Act; or
- (b) involving any question as to the payment of contributions under this Act; or
- (c) for the recovery of any sums due to the National Insurance Fund;

any question arises which is required by regulations under this section to be determined by the Minister, or is required by subsection (2) of this section to be determined in like manner as a corresponding question arising under the Family Allowances Act, 1945, the decision of that question on its determination as aforesaid shall be conclusive for the purpose of those proceedings; and the regulations under this subsection may make provision for obtaining such a decision when it has not been given, and for adjourning the proceedings until such a decision has been given.

44.—(1) The Minister shall pay to the National Insurance Commissioner and any deputy Commissioner such salary or other remuneration as the Treasury may determine and such expenses incurred in connection with the work of the Commissioner, a deputy Commissioner or any tribunal presided over by the Commissioner or a deputy Commissioner as may be so determined.

Remuneration
and expenses
of Commis-
sioner and
other persons.

(2) The Minister may pay—

- (a) to any other person appointed to determine questions under the last foregoing section, or as a member of or an assessor to any tribunal constituted thereunder, such remuneration and such travelling and other allowances;
- (b) to any person required to attend at any proceedings under regulations made by virtue of the last foregoing section or on any reference under that section to referees appointed under the Family Allowances Act, 1945, such travelling and other allowances;
- (c) such other expenses incurred in connection with the work of any person or tribunal appointed or constituted under regulations made by virtue of the last foregoing section (other than a tribunal presided over by the Commissioner or a deputy Commissioner) or in connection with proceedings on any such reference as aforesaid;

as the Minister with the consent of the Treasury may determine.

(3) The Minister may pay, to any person required under this Act (whether for the purposes of the last foregoing section or otherwise) to attend for or to submit himself to medical or other examination or treatment, such travelling and other allowances as the Minister with the consent of the Treasury may determine.

(4) In this section references to travelling and other allowances include references to compensation for loss of remunerative time:

Provided that such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this section.

PART III.
—cont.
Superannua-
tion allowance
for
Commissioner
and deputy
Commission-
ers.

45.—(1) The Minister may from time to time recommend to the Treasury that there shall be paid to the National Insurance Commissioner or any deputy Commissioner an annual sum by way of superannuation allowance calculated in accordance with the Sixth Schedule to this Act if either—

- (a) he is at the time of his retirement over the age of seventy-two or, where he retires after fifteen years' service, the age of sixty-five; or
- (b) the Minister is satisfied by means of a medical certificate that at the time of his retirement he is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.

(2) For the purposes of the foregoing subsection and the said Schedule—

- (a) service as National Insurance Commissioner or deputy Commissioner which is not remunerated by means of a salary shall be disregarded;
- (b) service as deputy Commissioner shall, subject to the foregoing paragraph, count (in the case of a person retiring as National Insurance Commissioner) as service as National Insurance Commissioner;
- (c) the Treasury may by regulations provide for counting as service as National Insurance Commissioner or as deputy Commissioner pensionable service in any other capacity under the Crown.

(3) The decision of the Treasury shall be final on any question arising as to—

- (a) the amount of any superannuation allowance under this section; or
- (b) the reckoning of any service for the purpose of calculating such an allowance.

(4) Where the rate of a Commissioner or deputy Commissioner's superannuation allowance under this section is increased by virtue of regulations made under paragraph (c) of subsection (2) thereof in respect of service in some other capacity, the allowance shall be paid and borne partly in the manner provided by subsections (1) and (2) of section thirty-eight of this Act and partly in the manner in which a pension payable wholly in respect of service in that other capacity would have been paid and borne, in such proportions as may be determined by the Treasury regard being had to the relative length of service and rate of remuneration in each capacity.

(5) In this section the expression "pension" includes any superannuation or other retiring allowance or gratuity and

the expression “pensionable” shall be construed accordingly.

PART III.
—cont

46.—(1) Provision may be made by regulations as to the time and manner of payment of benefit, and as to the information and evidence to be furnished by beneficiaries when applying for payment, and regulations made jointly by the Minister and the Postmaster General may provide for payment through the Post Office.

(2) Regulations made under this section as to the time of payment of benefit may provide—

- (a) notwithstanding anything in this Act, for adjusting the commencement and termination of benefit, or of changes in the rate of benefit, so that, except in the case of unemployment benefit and sickness benefit, payments shall not be made in respect of periods less than a week or at different rates for different parts of a week;
- (b) for extinguishing the right to any sum payable by way of benefit where payment thereof is not obtained within six months or such shorter period as may be prescribed from the time at which that sum is receivable in accordance with the regulations.

(3) Regulations may also provide—

- (a) for enabling a person to be appointed to exercise, on behalf of a claimant or beneficiary who is a child or who may be or become unable for the time being to act, any right or power which the claimant or beneficiary may be entitled to exercise under this Act, and for authorising a person so appointed to receive and deal with any sum payable by way of benefit on behalf of the claimant or beneficiary;
- (b) in connection with the death of any person, for enabling a claim for benefit to be made or proceeded with in his name, for authorising payment or distribution of benefit to or amongst persons claiming as his personal representatives, legatees, next of kin or creditors (or, in cases of illegitimacy of deceased persons, to or amongst others) and for dispensing with strict proof of the title of persons so claiming.

(4) For the purposes of paragraph (b) of the last foregoing subsection, the expression “next of kin” shall be construed as referring to persons who would take beneficially on an intestacy under the provisions of Part IV of the Administration of Estates Act, 1925.

15 & 16 Geo. 5.
c. 23.

PART III.
—*cont.*Interim
payments,
arrears and
repayments.

47.—(1) Regulations may make provision as respects matters arising—

- (a) pending the determination under this Act (whether in the first instance or on an appeal or reference, and whether originally or on review) of any claim for benefit or of any question affecting any person's right to benefit or to the receipt thereof or any person's liability for contributions; or
- (b) out of the revision on appeal or review of any decision under this Act on any such claim or question.

(2) Without prejudice to the generality of the foregoing subsection, regulations thereunder may include provision—

- (a) for the suspension of benefit where it appears to the Minister that there is or may be a question whether the conditions for receipt thereof in accordance with an award are or were fulfilled or whether the award ought to be revised;
- (b) as to the date from which any decision on a review is to have effect or to be deemed to have had effect;
- (c) for treating any benefit paid to any person under an award or by virtue of any provision of the regulations, which it is subsequently decided was not payable, as properly paid or as paid on account of any other benefit which it is decided was payable to him, or for the repayment of any such benefit and the recovery thereof by deduction from other benefit or otherwise;
- (d) for treating benefit paid to one person in respect of another as being a child of the family, or the wife or husband, or an adult dependant, of the first-mentioned person as having been properly paid for any period, notwithstanding that under regulations relating to overlapping benefits it is not payable for that period by reason of a subsequent decision either—
 - (i) that the said other person is himself entitled to benefit for that period; or
 - (ii) that a third person is entitled to benefit for that period in respect of the said other person in priority to the first mentioned person;and for reducing or withholding accordingly any arrears payable for that period by virtue of the subsequent decision.

(3) Where a person has received sums on account of an allowance under the Family Allowances Act, 1945, to which by virtue of this Act he was not entitled by reason of his being entitled to a guardian's allowance subsequently awarded

(whether in respect of the same or a different child), those sums shall be treated as paid on account of the guardian's allowance and the amount thereof shall be repaid to the Treasury out of the National Insurance Fund.

PART III.
—cont.

48.—(1) Where, in the case of any person, any sum may by virtue of the last foregoing section be recovered by deduction from benefit under this Act, it may instead be recovered from him in whole or in part by deduction from any payment under the Industrial Injuries Act, and any amount so recovered shall be paid to the National Insurance Fund.

Recovery of
sums by
deduction
from benefit.

(2) Where, in the case of any person, any sum may by virtue of any provision of the Family Allowances Act, 1945, be recovered by deduction from any payment under that Act, it may instead be recovered from him in whole or in part by deduction from benefit under this Act or from any payment under the Industrial Injuries Act, and any amount so recovered shall be paid to the Treasury.

(3) Where, in the case of any person, any sum may by virtue of any provision of the Industrial Injuries Act be recovered by deduction from any payment under that Act, it may instead be recovered from him in whole or in part by deduction from benefit under this Act, and any amount so recovered shall be paid into the Industrial Injuries Fund.

49.—(1) For the purposes of this Act, the Minister may appoint such inspectors as he may with the consent of the Treasury determine, and pay to them such salaries or remuneration as may be so determined.

Inspectors.

(2) An inspector appointed under this Act shall, for the purposes of the execution of this Act, have power to do all or any of the following things, namely—

- (a) to enter at all reasonable times any premises or place liable to inspection under this section;
- (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are being or have been complied with in any such premises or place;
- (c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act on which he may reasonably require information, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an insured person, and to require every such person to be so examined;
- (d) to exercise such other powers as may be necessary for carrying this Act into effect.

PART III.
—cont.

(3) The occupier of any premises or place liable to inspection under this section, and any person who is or has been employing any person, and the servants and agents of any such occupier or other person, and any insured person, shall furnish to an inspector all such information and produce for inspection all such documents as the inspector may reasonably require for the purpose of ascertaining whether contributions are or have been payable, or have been duly paid, by or in respect of any person, or whether benefit is or was payable to or in respect of any person.

(4) If any person—

(a) wilfully delays or obstructs an inspector in the exercise of any power under this section; or

(b) refuses or neglects to answer any question or to furnish any information or to produce any document when required so to do under this section;

he shall be liable on summary conviction to a fine not exceeding ten pounds in the case of a first offence under this subsection and not exceeding fifty pounds in the case of a second or subsequent such offence:

Provided that no one shall be required under this section to answer any questions or to give any evidence tending to incriminate himself.

(5) For the purposes of the last foregoing subsection, an offence shall be deemed not to be a first offence if the offender has previously been found guilty of an offence under the provisions of the Industrial Injuries Act which relate to inspectors, and for the purposes of the said provisions of that Act an offence shall not be deemed to be a first offence if the offender has previously been found guilty of an offence under the last foregoing subsection.

(6) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises or place for the purposes of this Act shall, if so required, produce the said certificate.

(7) The premises and places liable to inspection under this section are any premises or places where an inspector appointed under this Act has reasonable grounds for supposing that any persons are employed, except that they do not include any private dwelling-house not used by or by permission of the occupier for the purposes of a trade or business.

(8) Where any premises or place are or is liable to be inspected by an inspector or officer appointed or employed by, or are or is under the control of, some other Government department, the Minister may make arrangements with that

other Government department for any of the powers or duties of inspectors under this section being carried out by an inspector or officer employed by that other Government department, and, where such an arrangement is made, such inspectors or officers shall have all the powers of an inspector under this section.

50.—(1) Regulations made by the Registrar-General under the Births and Deaths Registration Acts, 1836 to 1929, may provide for the furnishing by superintendent registrars and registrars, subject to the payment of such fee as may be prescribed by the regulations, of such information for the purposes of this Act, including copies or extracts from the registers in their custody, as may be so prescribed.

Information as to, and proof of, age, marriage and death.

(2) Where the age, marriage or death of a person is required to be ascertained or proved for the purposes of this Act, any person shall—

- (a) on presenting to the custodian of the register under the enactments relating to the registration of births, marriages and deaths, wherein particulars of the birth, marriage or death, as the case may be, of the first mentioned person are entered, a duly completed requisition in writing in that behalf; and
- (b) on payment of a fee, in the case of a birth certificate, of sixpence and, in the case of a marriage or death certificate, of one shilling;

be entitled to obtain a copy, certified under the hand of the custodian, of the entry of those particulars.

(3) Requisitions for the purposes of the last foregoing subsection shall be in such form and contain such particulars as may from time to time be specified by the Registrar-General, and suitable forms thereof shall, on request, be supplied without charge by every superintendent registrar and registrar.

(4) In this section the expression “Registrar-General” means the Registrar-General of births, deaths and marriages, and the expressions “superintendent registrar” and “registrar” mean, respectively, a superintendent registrar and registrar for the purposes of the enactments relating to the registration of births, deaths and marriages.

51. Stamp duty shall not be chargeable upon such documents used in connection with business under this Act as are specified in the Seventh Schedule to this Act.

Exemption from stamp duty.

PART III.

—cont.

General
provisions as
to offences
and penalties.*Legal proceedings.*

52.—(1) If any person—

- (a) buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn any insurance card or any used insurance stamp; or
- (b) affixes any used insurance stamp to any insurance card; or
- (c) for the purpose of obtaining any benefit or other payment under this Act, whether for himself or some other person, or for any other purpose connected with this Act—
 - (i) knowingly makes any false statement or false representation; or
 - (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(2) Regulations may provide for the recovery on summary conviction of monetary penalties in respect of any offence under this Act, being a contravention of or failure to comply with regulations, so, however, that such penalties shall not exceed ten pounds for each offence or, where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

(3) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) In this section the expression “insurance card” means any card issued under regulations for the purpose of the payment of contributions by affixing insurance stamps thereto; and in any proceedings under subsection (1) of this section with respect to used stamps, a stamp shall be deemed to have been used if it has been affixed to an insurance card or cancelled or defaced in any way whatsoever and whether it has actually been used for the purpose of payment of a contribution or not.

(5) Nothing in this section shall be construed as preventing the Minister from recovering by means of civil proceedings any sums due to the National Insurance Fund.

PART III.
—cont.

53.—(1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Minister or by an inspector or other officer authorised in that behalf by special or general directions of the Minister.

General provisions as to prosecutions under Act.

(2) Any such inspector or other officer may, although not of counsel or a solicitor, prosecute or conduct before a court of summary jurisdiction any such proceedings as aforesaid.

(3) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months after the commission of the offence, whichever period last expires.

(4) For the purposes of the last foregoing subsection, a certificate, purporting to be signed by or on behalf of the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

(5) In any proceedings for an offence under this Act, the wife or husband of the accused shall be competent to give evidence, whether for or against the accused:

Provided that the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him during the marriage by the accused.

54.—(1) All sums due to the National Insurance Fund shall be recoverable as debts due to the Crown, and without prejudice to any other remedy may be recovered by the Minister summarily as a civil debt.

Civil proceedings to recover sums due to National Insurance Fund.

(2) Proceedings for the summary recovery as civil debts of sums due to the National Insurance Fund may, notwithstanding anything in any Act to the contrary, be brought at any time within three years from the time when the matter complained of arose.

(3) Proceedings for the summary recovery as civil debts of sums due to the National Insurance Fund may be instituted by an inspector or other officer authorised in that behalf by special or general directions of the Minister, and any such inspector or officer may, although not of counsel or a solicitor, conduct such proceedings.

PART III.
—cont.

Priority of
contributions
in winding
up and
bankruptcy.
19 & 20 Geo. 5.
c. 23.

55.—(1) Sections seventy-eight, two hundred and sixty-four and two hundred and ninety-eight of the Companies Act, 1929 (which relate to the debts of a company which are to be paid in priority to other debts) shall have effect as if this Act were included among the enactments mentioned in paragraph (e) of subsection (1) of the said section two hundred and sixty-four.

4 & 5 Geo. 5.
c. 59.

(2) Subsection (1) of section thirty-three of the Bankruptcy Act, 1914, shall have effect as if, at the end of paragraph (f) inserted therein by the Industrial Injuries Act (which paragraph confers priority on debts for contributions under the last mentioned Act), there were added the words “or, either as the employer of any person or as a self-employed or non-employed person, under the National Insurance Act, 1946”.

PART IV.

MISCELLANEOUS AND GENERAL.

Application to special classes of persons.

Crown
servants.

56. This Act shall apply to persons employed by or under the Crown, subject to any special provision made by or by virtue of any other section thereof, in like manner as if the employer were a private person, with such modifications as may be made therein by Order in Council for the purpose of adapting the provisions of this Act to the case of such persons.

Members of
forces.

57.—(1) Subject to any prescribed exceptions, any person who on or after the appointed day, being over school leaving age and under pensionable age, is serving as a member of any of the regular naval, military or air forces of the Crown shall, notwithstanding that he does not fulfil the conditions of section one of this Act, be an insured person, and any such person while he is serving as aforesaid shall, in respect of his membership of those forces, be an employed person.

(2) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying in such manner, subject to the foregoing provisions of this section, as he thinks proper the provisions of this Act in their application in relation to persons who are or have been members of any of His Majesty's forces.

(3) Without prejudice to the generality of the last foregoing subsection, regulations thereunder may in particular provide—

(a) for the application of subsection (1) of this section in relation to any other of His Majesty's forces in like manner as it applies in relation to the regular naval, military and air forces of the Crown:

(b) for disregarding for the purposes of this Act employment as a member of His Majesty's forces where the said subsection (1) does not apply;

(c) in the case of persons who are employed persons in respect of their membership of His Majesty's forces, for reducing the rate of the contributions as an employed person and as employer and of the Exchequer supplement to those contributions, and for determining—

(i) the amounts payable on account of those contributions by the Admiralty, Army Council and Air Council respectively and the time and manner of payment; and

(ii) the deductions to be made on account of those contributions from the pay of those persons;

(d) for preventing a person who is discharged from any of His Majesty's forces at his own request from being by reason thereof disqualified for receiving unemployment benefit on the ground that he has voluntarily left his employment without just cause.

(4) For the purposes of the two last foregoing subsections, any prescribed organisation in which persons serve under the control of the Admiralty, Army Council or Air Council shall be deemed to form part of His Majesty's forces.

58.—(1) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying in such manner as he thinks proper the provisions of this Act in their application in relation to persons who are or have been employed on board any ship, vessel or aircraft. Mariners and airmen.

(2) Without prejudice to the generality of the foregoing subsection, regulations thereunder may in particular provide—

(a) for the insurance under this Act of persons who are or have been employed on or after the appointed day on board ships, vessels or aircraft, notwithstanding that they do not fulfil the conditions of section one of this Act;

(b) for excepting from insurance by virtue of the said section one, or from liability to pay contributions as insured persons, any persons employed as aforesaid who neither are domiciled nor have a place of residence in the United Kingdom;

(c) for requiring payment of employers' contributions in respect of persons employed as aforesaid, whether or not they are insured persons or employed persons;

PART IV.
—cont.

(d) for the taking of evidence, for the purpose of any claim to benefit—

57 & 58 Vict.
c. 60.

(i) in any part of His Majesty's dominions, before a judge or magistrate or by a superintendent within the meaning of the Merchant Shipping Act, 1894;

(ii) in a foreign country, by a British consular officer;

(e) for enabling persons employed on board ships, vessels or aircraft to authorise the payment of the whole or any part of any benefit to which they are or may become entitled to such of their dependants as may be prescribed.

(3) The employer's contribution, if any, payable either—

(a) in respect of a person employed on board a ship or vessel for any week for which that person is by virtue of this section excepted from liability to pay contributions as an insured person; or

(b) by virtue of this section, in respect of a person employed as aforesaid who is not an employed person;

shall not be taken into account for the purpose of estimating the contributions to be paid out of moneys provided by Parliament, and shall be administered and applied in such manner and for such purposes as may be prescribed.

Married
women.

59.—(1) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying in such manner, subject to the following provisions of this section, as he thinks proper the provisions of this Act in their application in relation to married women, and in relation to women who have been married and during their marriage were affected by any such regulations:

Provided that, save as expressly authorised by the following provisions of this section, regulations thereunder shall not modify any provision of this Act which has any special application in relation to a married woman or widow as such.

(2) Regulations under this section shall provide, subject to any prescribed conditions and exceptions—

(a) for excepting a woman, if she so elects or if she does not elect otherwise (as may be provided by the regulations)—

(i) from insurance during any period during which she is married and is a non-employed person;

(ii) from liability to pay contributions as an insured person for any period during which she is married and is not excepted from insurance;

(b) for crediting to a woman, for the purpose of her right to a maternity allowance, contributions as an employed or self-employed person for periods in respect of which she would have been liable to pay such contributions but for the foregoing provisions of this subsection.

(3) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may in particular provide—

(a) for making it a condition for the receipt of benefit by a woman, or in respect of her insurance, that she shall have been an insured person at such time, or during such period, as may be prescribed;

(b) for determining the manner in which references to entry into insurance are to be construed in relation to a woman who has been an insured person for two or more distinct periods.

60.—(1) Without prejudice to the generality of any other power to make regulations, the Minister may make regulations modifying in such manner, subject to the next following subsection, as he thinks proper the provisions of this Act in their application in relation to persons who are or have been outside Great Britain while insured under this Act.

Insured
persons
outside
Great Britain

(2) Regulations under this section shall provide that, where an insured person is throughout any contribution week outside Great Britain and is not in that week an employed person, he shall not be liable to pay any contribution as an insured person for that week.

(3) Without prejudice to the generality of subsection (1) of this section, regulations thereunder may in particular make provision for entitling a person to pay a contribution as a non-employed or, if the regulations so provide, as a self-employed person, for any week for which by virtue of the last foregoing subsection he is not liable to pay a contribution as an insured person.

61. In relation to any person who on the appointed day is under the age of sixteen, this Act shall apply subject to the following modifications:—

Persons under
sixteen on the
appointed day.

(a) he shall not be liable to pay a contribution as a non-employed person for any period before he attains the age of sixteen;

PART IV.
—cont.

- (b) regulations may provide for crediting contributions to him for periods after the beginning of the contribution year in which he attains that age, being periods for which he would have been liable to pay contributions as a non-employed person but for the foregoing paragraph;
- (c) for the purpose of calculating the yearly average of the contributions paid by or credited to him—
 - (i) he shall not be deemed to attain or to have attained school leaving age before that date on which he attains the age of sixteen;
 - (ii) there shall nevertheless be taken into account any contributions as an employed or self-employed person paid by him for periods before the beginning of the contribution year in which he attains the age of sixteen.

Temporary provision as to unemployment benefit.

Temporary
provisions as
to unemploy-
ment benefit.

62.—(1) Subject to the provisions of this section, regulations may authorise the Minister to pay unemployment benefit to insured persons, on the recommendation of a local tribunal, for such number of days of unemployment as may be specified in the recommendation, being days for which they are not entitled to such benefit by reason only of having exhausted their right thereto.

(2) Regulations under this section shall provide that a local tribunal in making recommendations for the purposes of this section—

- (a) shall not proceed on any consideration of the financial resources of the applicant or persons connected with him; but
- (b) subject to the foregoing paragraph, shall have regard—
 - (i) to the particular circumstances of the applicant, including the industrial conditions in the district where he ordinarily resides; and
 - (ii) to any general directions issued for the purposes of this section by the Minister for the guidance of local tribunals.

(3) Regulations under this section may provide that a person shall be deemed for the purpose of any provision of this Act to be entitled to unemployment benefit for any day for which he receives that benefit under this section.

(4) The sums required for payments under this section, and any increase attributable to this section in the expenses borne by the National Insurance Fund by virtue of subsection (2)

of section thirty-eight of this Act, shall be repaid to the National Insurance Fund out of moneys provided by Parliament, and for the purposes of this subsection the amount of the said sums and any such increase shall be estimated in such manner as the Minister with the concurrence of the Treasury may determine.

PART IV.
—cont.

(5) This section shall apply only to days of unemployment occurring within the period of five years beginning with the appointed day.

Corresponding systems outside Great Britain.

63.—(1) If legislation is passed for purposes similar to the purposes of this Act by the Parliament of Northern Ireland, the Minister may, with the consent of the Treasury, make reciprocal arrangements with the appropriate Northern Irish authority for co-ordinating the two systems of insurance established respectively by this Act and the said legislation so as to secure that they operate, to such extent as may be provided by the arrangements, as a single system.

Arrangements
with Northern
Ireland for
unified system.

(2) On the making of any such arrangements there shall be constituted a Joint Authority (hereafter in this Act referred to as “the Joint Authority”) consisting of the Minister and of the appropriate Northern Irish authority, and the Joint Authority shall have power, in connection with the arrangements—

- (a) to make any necessary financial adjustments between the National Insurance Fund and any fund established under the Northern Irish legislation; and
- (b) to discharge such other functions for the co-ordination of the said two systems as may be provided by the arrangements.

The provisions of the Eighth Schedule to this Act shall have effect with respect to the constitution of the Joint Authority and other matters relating thereto.

(3) The Minister may make regulations for giving effect in Great Britain to any such arrangements, and any such regulations may provide—

- (a) that this Act shall have effect in relation to persons affected by the arrangements subject to such modifications and adaptations as may be specified in the regulations, including provision—
 - (i) for securing that acts, omissions and events having any effect for the purposes of the Northern Irish legislation shall have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit);

PART IV.
—cont.

(ii) for determining, in cases where rights accrue both under this Act and under the Northern Irish legislation, which of those rights shall be available to the person concerned;

(iii) for making any provisions as to administration and enforcement contained in this Act or in any regulations applicable also for the purposes of the Northern Irish legislation;

(b) that the Joint Authority shall be substituted for the Minister in relation to the making of any regulations (other than regulations for the purposes of this paragraph) or orders.

10 & 11 Geo. 5.
c. 67. (4) In connection with any such legislation as is mentioned in subsection (1) of this section, any limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall not apply in so far as it would preclude that Parliament from enacting a provision corresponding to some provision of this Act, other than the section relating to members of the forces.

(5) Regulations made by the Joint Authority may provide for applying the said section relating to members of the forces for the purposes of the Northern Irish legislation, with or without modifications, and for determining—

(a) the persons who, being employed persons in respect of their membership of His Majesty's forces, are to be treated as belonging to Northern Ireland;

(b) the sums paid for any period on account of contributions as employed persons and of employers' contributions by and in respect of those persons;

and the sums so determined shall be treated as paid on account of contributions under the Northern Irish legislation, and not on account of contributions under this Act, for the purposes—

(i) of estimating the contributions to be paid under this Act out of moneys provided by Parliament;

(ii) of making adjustments under paragraph (a) of subsection (2) of this section.

Reciprocal
agreements
with
Dominions,
colonies
and foreign
countries.

64.—(1) For the purpose of giving effect to any agreement with the government of any part of His Majesty's dominions other than Northern Ireland, or the government of any foreign country, providing for reciprocity in matters relating to payments in respect of interruption of employment by unemployment, sickness or otherwise, or payments in respect of the confinement of women, widowhood, orphanhood, retirement, old age or death, it shall be lawful for His Majesty by Order in Council to make provision for modifying or adapting this Act in its application to cases affected by the agreement.

(2) The modifications of this Act which may be made by virtue of the foregoing subsection shall include provision—

PART IV.
—*cont.*

- (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit);
- (b) for determining, in cases where rights accrue both under this Act and under the law of the said country, which of those rights shall be available to the person concerned;
- (c) for making any provisions as to administration and enforcement contained in this Act or in any regulations applicable also for the purposes of the law of the said country;
- (d) for making any necessary financial adjustments by payments into or out of the National Insurance Fund.

*Repeals, consequential and transitional provisions
and savings.*

65.—(1) No person shall on or after the appointed day be insured or deemed to be or treated as insured—

Termination
and repeal of
existing
insurance
codes, and
continuity
of insurance
and benefit.
25 & 26 Geo. 5.
c. 8.
26 Geo. 5 &
1 Edw. 8. c. 32.
26 Geo. 5 &
1 Edw. 8. c. 33.

(a) under the Unemployment Insurance Act, 1935; or

(b) under the National Health Insurance Act, 1936; or

(c) under the Widows', Orphans' and Old Age Contributory Pensions Act, 1936;

and accordingly, subject to the following provisions of this Act, the enactments set out in the Ninth Schedule to this Act as from that day are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) Subject as aforesaid, the foregoing provisions of this Act shall, in relation to—

(a) persons (hereafter in this Act referred to as “existing contributors”) who within the prescribed time before the appointed day are so insured or deemed to be or treated as so insured; and

(b) persons (hereafter so referred to as “existing beneficiaries”)—

(i) to or in respect of whom immediately before that day any benefit, pension or allowance is, or would but for any disqualification or forfeiture be, payable under or by virtue of the enactments repealed by this Act; or

PART IV.
—*cont.*

(ii) who then have, otherwise than as existing contributors or in respect of the insurance of existing contributors, any prospective right to or expectation of any benefit, pension or allowance under or by virtue of those enactments;

have effect with such modifications, additions and exceptions as may be prescribed for securing the continuity of this Act with those enactments or otherwise for the preservation of rights conferred under or by virtue of those enactments.

(3) Regulations under the last foregoing subsection shall in particular provide—

(a) as respects existing contributors—

(i) for the insurance under this Act of such of them as, on the appointed day, being under pensionable age are outside Great Britain and continue in any employment outside Great Britain by virtue of which they are existing contributors;

(ii) for modifying the conditions for receipt of benefit under this Act, whether by an existing contributor or in respect of his insurance by another, so as to take into account, for such purposes and in such manner and subject to such conditions as may be prescribed, contributions paid or deemed to be or treated as paid under the said enactments and periods of insurance thereunder;

(b) as respects existing beneficiaries, either—

(i) for substituting for any right to any benefit, pension or allowance payable under or by virtue of the said enactments a right to such benefit under this Act as may be prescribed as corresponding thereto; or

(ii) for preserving any such right and giving effect thereto (whether under this Act or by continuing in whole or in part the operation of the said enactments in relation thereto);

but in any case subject to such modifications (if any) as appear to the Minister to be appropriate, so, however, that the maximum rate of any such benefit, pension or allowance shall not be increased above the rate of the corresponding benefit under this Act as set out in the Second Schedule thereto.

Transfer of
assets and
liabilities.

66.—(1) Subject to the following provisions of this Act, on the appointed day the following assets, that is to say—

- (a) all sums standing to the credit of and other assets of the funds mentioned in the Tenth Schedule to this Act (being funds established under or for the purposes of such of the enactments repealed by this Act as are mentioned in the second column of that Schedule);
- (b) all assets of any approved society which are attributable to business under the enactments repealed by this Act or under any corresponding enactments previously repealed; and
- (c) all assets of the body charged with the administration of any special scheme under section seventy-three of the Unemployment Insurance Act, 1935, which is in force immediately before the appointed day, except in so far as those assets are not attributable to any such scheme;

shall in so far as they are determined in accordance with directions of the Treasury to be of a revenue nature become assets of the National Insurance Fund, and in so far as they are determined as aforesaid to be of a capital nature become assets of the National Insurance (Reserve) Fund:

Provided that out of the assets which by virtue of this subsection become assets of the National Insurance (Reserve) Fund there shall be paid to the National Insurance Fund the sum of one hundred million pounds.

(2) Subject as aforesaid, any liabilities accrued on or accruing after the appointed day to which the assets mentioned in the foregoing subsection would have been applicable but for this Act shall be liabilities of the National Insurance Fund.

(3) Subject to the provisions of any regulations, such of the said assets as are not immediately before the appointed day vested in the Minister shall on that day be transferred by virtue of this Act to him or to such other person or authority as may be prescribed.

(4) Where any of the said assets are in the opinion of the Minister unsuitable for retention as assets of the National Insurance Fund or National Insurance (Reserve) Fund, as the case may be, they may be sold or otherwise disposed of in such manner as he may, with the approval of the Treasury, determine.

(5) Notwithstanding anything in the foregoing provisions of this Act, regulations shall not make provision as to the determination of questions arising in connection with this section but, subject to the foregoing provisions of this subsection and to the following provisions of this Act, regulations may provide—

PART IV.
—*cont.*

- (a) for further defining and ascertaining the assets and liabilities mentioned in this section;
- (b) where necessary, for perfecting by further assurance or otherwise the title to assets transferred by this section;
- (c) for preventing any forfeiture or determination in consequence of the transfer of any leasehold or other interest in property;
- (d) generally for giving effect to the transfer.

Compensation
for displaced
employees.

67.—(1) Regulations shall provide, subject to any prescribed exceptions or conditions, for compensating out of the National Insurance Fund, for loss of employment or for loss or diminution of emoluments or of superannuation or similar rights where the loss or diminution is shown to be directly attributable to the passing of this Act or the making of any regulations, persons of the following classes, namely—

- (a) persons who were employed full-time, during such periods and on such date before the commencement of this Act as may be prescribed, either—
 - (i) by an approved society; or
 - (ii) by some other body (including a body of which the society is a branch or section) administering the affairs of an approved society;
 not being persons who were so employed wholly or mainly on business other than health insurance business;
- (b) persons who during such periods and on such date as aforesaid were employed full-time in connection with any special scheme under section seventy-three of the Unemployment Insurance Act, 1935, by the body charged with the administration of the scheme;
- (c) persons who, having before such date as aforesaid been employed in the manner mentioned in either of the foregoing paragraphs, would have been within that paragraph but for any war service in which they have been engaged.

(2) In this section—

- (a) the expression “health insurance business” means business under the National Health Insurance Acts, 1936 to 1941, but does not include business attributable to Northern Ireland;
- (b) the expression “war service” means service in any of His Majesty’s forces and such other employment as may be prescribed.

Consequential
amendments
and savings.

68.—(1) As from the appointed day there shall in the enactments mentioned in the first column of the Eleventh Schedule

to this Act (which relate respectively to the matters mentioned in the second column thereof) be made the amendments specified in the third column thereof.

PART IV.
—cont.

(2) Accordingly as from that day the enactments set out in Parts I, II and III of the Twelfth Schedule to this Act shall, as amended by or by virtue of this Act and the other enactments mentioned in the said Parts I, II and III respectively, have effect as there set out, subject, in the case of any enactment set out in the said Part II which is prospectively amended by the Education Act, 1944, and the Education (Scotland) Act, 1945, to the provisions of those Acts as to the date at which those amendments are to take effect.

7 & 8 Geo. 6.
c. 31.
8 & 9 Geo. 6.
c. 37.

(3) The amendments made by this section and Part I of the said Eleventh Schedule in subsection (3) of section thirty-six of the Unemployment Assistance Act, 1934, shall not affect the proceedings on any question referred before the appointed day to the insurance officer appointed under the Unemployment Insurance Act, 1935 (including any right or power of appeal or review), except that, subject to the provisions of any regulations, those proceedings shall be continued and any further proceedings thereon shall be taken as if the question had been referred under the said section thirty-six as so amended.

24 & 25 Geo. 6
c. 29.

(4) The amendments made by this section and Part II of the said Eleventh Schedule in section eighty-one of the Unemployment Insurance Act, 1935, shall not affect any scheme, arrangements or regulations made under that section before the appointed day, but that section and subsection (2) of section forty-two of the Unemployment Assistance Act, 1934, shall apply in relation thereto as if it or they had been made under the said section eighty-one as so amended and related to unemployment benefit under this Act.

(5) The amendments made by this section and Part IV of the said Eleventh Schedule in section six of, and the Schedule to, the National Service (Armed Forces) Act, 1939, shall not affect any proceedings begun, regulations made or thing done under or for the purposes of the said section six before the appointed day, but the National Service Acts, 1939 to 1946, with the amendments so made, shall apply in relation thereto as if begun, made or done by, to or before, or with reference to, the umpire or any deputy umpire appointed for the purposes of the Reinstatement in Civil Employment Act, 1944, or the chairman of a local tribunal or the panels appointed or constituted for the purposes of section forty-three of this Act, as the case may be.

2 & 3 Geo. 6.
c. 81.

7 & 8 Geo. 6.
c. 15.

PART IV.
—cont.

(6) There shall be defrayed out of moneys provided by Parliament any such increase in sums payable thereout as is attributable—

(a) to the extension, by this section and Part I of the said Eleventh Schedule, of the Unemployment Assistance Act, 1934, so as to apply to persons over the age of sixty-five who are entitled to unemployment benefit, or only not so entitled by reason of regulations under this Act or by reason of any disqualification contained in this Act; or

(b) to the amendments made, by this section and Part III of the said Eleventh Schedule, in Part II of the Old Age and Widows' Pensions Act, 1940, and in subsections (2) and (4) of section four of the Pensions and Determination of Needs Act, 1943, in relation to—

(i) persons who are, or are deemed in accordance with regulations to be, entitled to a retirement pension or to a widowed mother's allowance; and

(ii) persons who are, or are deemed in accordance with regulations to be, entitled to a widow's allowance and who either are over the age of sixty or are entitled to an increase of the allowance for a child.

6 & 7 Geo. 6.
c. 27.

Power to
make further
consequential
and transi-
tional pro-
visions, etc.

69.—(1) Without prejudice to any specific power conferred by any of the four last foregoing sections, regulations may be made for facilitating their operation or the introduction of the system of insurance established by this Act, including in particular regulations providing—

(a) for modifying, as respects the period before the appointed day, any enactment repealed or amended by the foregoing provisions of this Part of this Act;

(b) for imposing restrictions and obligations on approved societies and their committees of management, trustees and officers, or on the body charged with the administration of any special scheme under section seventy-three of the Unemployment Insurance Act, 1935, and the officers of any such body;

(c) for winding up, whether before or after the appointed day, and whether by the transfer of its engagements or otherwise, the affairs of any approved society, and for dissolving on or after that day any approved society;

(d) for winding up, whether before or after that day, the affairs of the consultative council established

under section four of the Ministry of Health Act, 1919, in relation to matters affecting approved societies and for dissolving the said council;

PART IV.

—cont.

9 & 10 Geo. 5.
c. 21.

- (e) for winding up, whether before or after that day, any scheme or arrangements made under or by virtue of any enactment repealed by this Act, except the scheme relating to the seamen's special fund established for the purpose of section one hundred and thirty-eight of the National Health Insurance Act, 1936;
- (f) for continuing in force, notwithstanding the repeal of the said section one hundred and thirty-eight of the National Health Insurance Act, 1936, the scheme relating to the said seamen's special fund, with or without modifications, for the purpose of the corresponding provision of this Act, and for the administration of that scheme by the body constituted for the purposes of that section or otherwise;
- (g) for making any savings or additional savings from the effect of any repeal or amendment.

(2) The modifications of the enactments repealed or amended by the foregoing provisions of this Act which may be made by virtue of paragraph (a) of the last foregoing subsection include, as respects any benefit, pension or allowance payable under the said enactments—

- (a) increasing the rate or amount thereof (and in particular the rate of any pension under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941), but not so as to increase the maximum rate or amount thereof above the rate or amount of the corresponding benefit under this Act as set out in the Second Schedule thereto, except so far as the rate of any pension may be increased in respect of contributions paid after the person entitled thereto attains pensionable age;
- (b) making the right to any such benefit, pension or allowance subject to additional or altered conditions with a view to bringing the conditions therefor into conformity with those for the corresponding benefit under this Act (and in particular for making the right to any pension under the Acts mentioned in the foregoing paragraph of a person attaining pensionable age on or after the date when the regulations take effect conditional on his having retired from regular employment);
- (c) modifying the period for which any such benefit, pension or allowance is payable (and in particular continuing or restoring any pension under the Acts

PART IV.
—*cont.*
26 Geo. 5 &
1 Edw. 8. c. 31.

mentioned as aforesaid in lieu of any pension under the Old Age Pensions Act, 1936, payable in continuation thereof at the age of seventy by virtue of section eleven of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936);

and, in connection therewith, shall include also—

- (i) modifying any provisions as to contributions and to sums payable out of moneys provided by Parliament; and
- (ii) facilitating the revision of awards made before the regulations take effect.

(3) There shall be defrayed out of moneys provided by Parliament any such increase in sums payable thereout as is attributable to regulations making any such provision as is referred to in the last foregoing subsection.

(4) Provision for modifying or winding up, in connection with the passing of this Act, any scheme for the provision of pensions or other benefits (excluding any scheme established by any enactment repealed by this Act but including any other scheme established by or under any enactment and any scheme evidenced only by one or more policies of insurance) may be made by regulations made by such Minister of the Crown or Government department as may be determined by the Treasury to be appropriate in relation to the scheme to which the regulations are to apply or, if the Treasury determine that there is no appropriate Minister or department, by the Chief Registrar of Friendly Societies.

(5) Regulations made under this Part of this Act shall have effect notwithstanding anything contained in section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) but, subject to the express provisions of this Act, nothing in this Act shall be taken as excluding the operation of that section.

(6) In this section the expression “committee of management” means, in relation to any approved society, the governing body of that society by whatever name called.

52 & 53 Vict.
c. 63

Consequential
provisions and
savings for
Northern
Ireland.

70.—(1) In so far as any assets or liabilities are attributable to national health insurance in Northern Ireland they shall not by virtue of the foregoing provisions of this Part of this Act become assets or liabilities of the National Insurance (Reserve) Fund or of the National Insurance Fund, or be transferred by any of those provisions, but shall be held and applied, or shall be discharged, as the case may be, in accordance with the National Health Insurance Acts, 1936 to 1941,

as they apply in Northern Ireland or any enactment of the Parliament of Northern Ireland amending or repealing those Acts.

(2) Any question—

- (a) how far any assets or liabilities are attributable to national health insurance in Northern Ireland; or
- (b) how far any assets or liabilities of the body charged with the administration of any special scheme under section seventy-three of the Unemployment Insurance Act, 1935, are attributable to any similar scheme administered by that body and having effect in Northern Ireland;

(including any question as to the apportionment of mixed assets and liabilities) shall be determined by the National Health Insurance Joint Committee or in accordance with their directions.

(3) In paragraph (c) of subsection (5) of section ninety-six of the Unemployment Insurance Act, 1935 (which relates to the apportionment between Great Britain and Northern Ireland of sums paid under that Act by way of contributions for members of the forces) there shall for the reference to the Joint Exchequer Board be substituted a reference to the National Health Insurance Joint Committee.

(4) As respects matters pending on or arising after the appointed day, any enactment relating to the powers of the National Health Insurance Joint Committee (including the two last foregoing subsections) shall, in so far as it continues in force, have effect as if any reference therein to the National Health Insurance Joint Committee were a reference to the Joint Authority constituted under this Act.

(5) If the Parliament of Northern Ireland passes legislation corresponding, as respects approved societies, to this Act and containing similar provision for the compensation of their employees (including provision corresponding to this subsection), the Joint Authority may by regulations made with the consent of the Treasury provide, as respects persons employed partly on business attributable to Northern Ireland and partly on business attributable to Great Britain, that for the purpose of their right to compensation that business shall be treated as wholly attributable to one or the other, but that any compensation shall be payable partly from the National Insurance Fund and partly from such funds as may be applicable for the purpose under the Northern Irish legislation.

PART IV.
—cont.

(6) The repeal as respects Great Britain by this Act of any enactment shall not affect any power of the Parliament of Northern Ireland to make laws which is conferred or preserved by that enactment.

Transitional
provisions as
to new
entrants over
school age on
appointed day.

71.—(1) If on the appointed day regulations under section one of this Act provide for treating as employed contributor's employments employments outside Great Britain prescribed by those regulations, then regulations under this subsection may provide for the insurance under this Act as from the appointed day of persons not so insured by virtue of any other provision of this Act, who—

(a) are on that day—

(i) over school leaving age and under pensionable age; and

(ii) gainfully occupied in any such employment; and

(b) fulfil such conditions as may be prescribed as to residence in Great Britain before the appointed day.

(2) In relation to persons becoming insured under this Act on or after the appointed day who—

(a) immediately before the appointed day are over school leaving age and under pensionable age; but

(b) either are not existing contributors or are existing contributors for the purposes of some only of the enactments repealed by this Act;

the foregoing sections of this Act shall have effect with such modifications, additions and exceptions as may be prescribed for adjusting them to the case of such persons.

(3) As respects any person who is, immediately before the appointed day, over the age of fifty-five, in the case of a man, or fifty, in the case of a woman, and is not an existing contributor or beneficiary under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941, regulations under the last foregoing subsection shall in particular provide—

(a) that for the purposes only of any retirement pension, widow's benefit or death grant payable by virtue of his insurance, any such person shall be deemed to attain pensionable age on the expiration of ten years from the appointed day, if then alive, and to retire from regular employment immediately thereafter, and shall be deemed not to attain that age or to retire from regular employment before that time, so, however, that regulations under this paragraph shall

not extend the operation of the provisions of this Act reducing the rate of a retirement pension in respect of the beneficiary's earnings;

(b) that no such person shall be liable to pay a contribution as an employed or self-employed person for any period after attaining the age of sixty-five (or, in the case of a woman, sixty), but that, subject to the following paragraph of this subsection,—

(i) any employer's contribution paid in respect of any such person for any such period shall be treated for the purposes aforesaid as a contribution as an insured person paid by him or her; and

(ii) any such person shall be entitled to pay a contribution as a non-employed person, at the same rate as a person under the age of sixty-five (or, in the case of a woman, sixty), for any such period for which no employer's contribution is paid in respect of him or her;

(c) that any such person shall be entitled, not later than the prescribed time after attaining the age of sixty-five (or, in the case of a woman, sixty), to elect not to be qualified for a retirement pension, and that, if such an election is made by any person—

(i) no retirement pension shall be payable by virtue of that person's insurance either to that person or, during his life, to his wife;

(ii) that person shall be entitled to a refund after attaining the said age of so much of the contributions paid by that person as may be prescribed together with such interest thereon as may be prescribed;

(iii) the regulations made by virtue of paragraph (b) of this subsection shall not apply to that person except in so far as they confer exemption from liability to pay contributions.

(4) Subject to any prescribed exceptions, regulations under the last but one foregoing subsection shall also provide that the yearly average of the contributions paid by or credited to any such person as is mentioned in that subsection shall be calculated, in the case of a person over the age of sixteen on the appointed day, only over the period—

(a) beginning with the beginning of the contribution year in which the appointed day occurs; and

PART IV.
—cont.

- (b) ending with the end of the last complete contribution year before the date as at which that average is to be ascertained.

Transitional
provisions as
to death grant.

72.—(1) Death grant shall not be payable in respect of—

- (a) the death under the age of ten of any person born before the appointed day;
(b) the death of any person who immediately before that day was over pensionable age;
(c) the death within a year from the appointed day of any other person.

(2) In the case of the death of a person who immediately before the appointed day was over the age of fifty-five, in the case of a man, or fifty, in the case of a woman, ten pounds shall be substituted for the twenty pounds specified as the amount of the death grant in the Second Schedule to this Act.

(3) Regulations under the foregoing provisions of this Part of this Act shall not provide for taking into account for the purposes of death grant contributions paid or treated as paid under the enactments repealed by this Act; and for the purposes of death grant subsection (4) of the last foregoing section shall apply to persons who are existing contributors for all purposes as it applies to persons who are not existing contributors for any purpose or are existing contributors for some purposes only.

Provisions as
to commence-
ment of
insurance
under this
Act and of
industrial
injuries
insurance.

73.—(1) In this Act the expression “the appointed day” means, subject to the following provisions of this section, such day as the Minister may by order appoint and different days may be appointed for different purposes of this Act or for the same purpose in relation to different cases or classes of case.

(2) Any order under subsection (1) of this section may, if the day thereby appointed is appointed for some only of the purposes of this Act or in relation only to some cases or classes of case, or is not the same as the day appointed for the purposes of the Industrial Injuries Act, or as the day on which the national health service to be hereafter established by Parliament comes into operation, contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient as respects the period when this Act is to have a partial operation only or that Act or the said health service is not yet operating, or as respects the transition from that period to the period when this Act, that Act and the said health service are in full operation.

(3) If the appointed day for the purposes of the Industrial Injuries Act is not the same as the day or last day appointed under subsection (1) of this section or the day on which the said health service comes into operation, the order appointing the day for the purposes of that Act may contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient as respects the period when this Act or the said health service is not yet in operation or in full operation, or as respects the transition from that period to the period when this Act, that Act and the said health service are in full operation.

(4) Without prejudice to the generality of the two last foregoing subsections, the provisions which may be made thereunder include in particular provision (whether the order is made for the purposes of this Act or of the Industrial Injuries Act) for modifying and supplementing, in relation to the period to which the order is to apply, the provisions of this Act and that Act and (where the repeal or amendment has not yet taken effect) of any Act repealed or amended by this Act or that Act; and where the order is made for the purposes of this Act, the modifications of this Act which may be made thereby include provisions limiting the persons to be insured during any period during which this Act is to operate as respects some only of the benefits thereby conferred and reducing the rates of any contributions payable for any such period.

(5) Any such order as is mentioned in this section may be varied or revoked by a subsequent order appointing a day or a different day for the purposes of this Act or of the Industrial Injuries Act or by an order made for the purpose by the Minister so as to come into force on the day on which the said health service comes into operation.

Pensions under Old Age Pensions Act, 1936.

74.—(1) As from the date of introduction of new pension rates, regulations shall provide for increasing, subject to any prescribed exceptions, the rates of pensions under the Old Age Pensions Act, 1936, but not so as to increase the maximum rate thereof above the maximum rate for retirement pensions. Provisions as to non-contributory pensions.

(2) As from the said date (hereafter in this section referred to as “the relevant date”) the Old Age Pensions Act, 1936, shall have effect with such other modifications as may be prescribed of paragraph (c) of subsection (1) of section two thereof and the First Schedule thereto (which make the right to and rate of pension depend on the yearly means of the applicant or pensioner and provide for determining those

PART IV.
—cont.

means), and as from such date as may be prescribed that Act shall have effect also with such modifications (if any) as may be prescribed of section three thereof (which takes away the right to pension for certain periods).

(3) Notwithstanding anything in the Old Age Pensions Act, 1936, or any other enactment—

(a) no pension shall, after the relevant date, be payable to any person under the said Act (otherwise than as a blind person) unless that person had before that date attained the age of fifty-five; and

(b) a person shall not after the relevant date be entitled for the same period—

(i) both to a pension under that Act and to a pension under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941; or

(ii) both to a pension under that Act and to a retirement pension or widow's benefit under this Act.

(4) Regulations may provide for facilitating the revision in consequence of the operation of this section of any award made under the Old Age Pensions Act, 1936, before the relevant date.

(5) Regulations for the purposes of this section shall be made by the Treasury and not by the Minister.

(6) There shall be defrayed out of moneys provided by Parliament in manner provided by the Old Age Pensions Act, 1936, any such increase in the sums authorised to be so defrayed as may be occasioned by regulations under this section increasing the rate of any pension payable under the said Act or modifying the right to any such pension.

(7) The reference in subsection (1) of this section to the maximum rate for retirement pensions shall be construed as referring to the rate set out in the Second Schedule to this Act and, subject to the following provisions of this subsection, as not in any case referring to the special rate therein set out for married women's retirement pensions payable by virtue of the husband's insurance:

Provided that where a man and his wife are both entitled to pensions under the Old Age Pensions Act, 1936, the aggregate maximum rates for those pensions shall not exceed the aggregate of the first mentioned rate set out as aforesaid and the said special rate, except where her pension is payable by virtue of section eleven of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, in continuation of a pension under the last mentioned Act payable by virtue of her own insurance.

*Orders in Council, regulations and orders.*PART IV
—cont.

75.—(1) Except in so far as this Act otherwise provides, any power conferred thereby to make an Order in Council or regulations or order may be exercised—

(a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and

(b) so as to make, as respects the cases in relation to which it is exercised—

(i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);

(ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of this Act;

(iii) any such provision either unconditionally or subject to any specified condition.

(2) Without prejudice to any specific provision in this Act, any Order in Council, regulations or order under this Act may contain such incidental or supplementary provisions as appear to His Majesty or the authority making the regulations or order, as the case may be, to be expedient for the purposes of the Order in Council, regulations or order.

(3) Any power conferred by this Act to make an Order in Council shall include power to vary or revoke any Order in Council so made by a subsequent Order in Council.

(4) Any power conferred on the Minister or Joint Authority by this Act to make any regulations or order under this Act shall, if the Treasury so direct, not be exerciseable except in conjunction with the Treasury.

76.—(1) No order shall be made under section three or section twenty-seven of this Act and no regulations shall be made under the following provisions of this Act, namely, subsection (4) of section thirteen, section fifty-eight, section fifty-nine, section sixty-two or section sixty-seven, unless a draft of the order or regulations has been laid before Parliament and has been approved by resolution of each House of Parliament.

(2) Where a draft of an order under the said section three is laid before Parliament, there shall be laid with it a report

PART IV.
—*cont.*

by the Government actuary or the deputy Government actuary on the estimated consequences of the proposed order to the National Insurance Fund.

(3) All orders made by the Minister or Joint Authority (whether alone or in conjunction with the Treasury) under this Act, and all regulations made (whether by the Minister or otherwise) under this Act, other than an order or regulations to which subsection (1) of this section applies, shall be laid before Parliament immediately after they are made and if, within the period of forty days beginning with the day on which any such order or regulations is or are so laid before it, either House of Parliament resolves that the order or regulations be annulled, the order or regulations shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new order or regulations.

(4) In reckoning the said period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

56 & 57 Vict.
c. 66.

(5) Section one of the Rules Publication Act, 1893 (which requires notice to be given of a proposal to make statutory rules) shall not apply to any such regulations or order as aforesaid.

Considerations
of regulations
by Advisory
Committee.

77.—(1) Before making any regulations under this Act or laying a draft thereof before Parliament, the Minister shall submit to the National Insurance Advisory Committee a draft thereof (hereinafter referred to as “a preliminary draft”).

Provided that this section shall not apply to regulations under the following provisions of this Act, namely, sections sixty-three and sixty-five to seventy, without prejudice, however, to the power of the Minister to refer any proposal to make regulations under those provisions to the Committee for consideration and advice.

(2) Where a preliminary draft is so submitted to them, the Committee shall publish, in such manner as they think best adapted for notifying persons affected, notice of the fact and of the place where copies of the draft may be obtained and of the time, which shall be not less than fourteen nor more than twenty-eight days, within which any objection made with respect to the draft by or on behalf of persons affected must be sent to them.

(3) Every objection shall be in writing and shall state the portions of the preliminary draft which are objected to, the specific grounds of objection, and the omissions, additions or modifications asked for.

(4) The Committee shall forthwith consider any preliminary draft submitted to them under this section and shall consider any objection made by or on behalf of any person appearing to them to be affected which is sent to them within the required time, and shall report on the draft to the Minister, and the Minister shall consider the report of the Committee and may then make the regulations, or (in the case of regulations to which subsection (1) of the last foregoing section applies) lay a draft thereof before Parliament, either in the form of the preliminary draft or with such amendments as he thinks fit:

Provided that where the Minister certifies that on account of urgency or any special reason any regulations, not being regulations to which subsection (1) of the last foregoing section applies, should come into operation without delay, the Minister may, before receiving or considering the report of the Committee on the preliminary draft, make the regulations as provisional regulations, so, however, that no provisional regulations shall continue in force for longer than three months after the receipt by the Minister of the report.

(5) Whenever any regulations, not being provisional regulations, or any draft regulations are laid before Parliament in pursuance of the last foregoing section, there shall be laid together therewith the report of the Committee on the preliminary draft thereof and a statement—

(a) showing what amendments (if any) have been made since the report of the Committee and what effect (if any) has been given to any recommendation of the Committee; and

(b) if effect has not been given to any recommendation, giving reasons for not adopting it.

(6) In relation to any regulations required or authorised under this Act to be made by the Joint Authority, or by the Minister or Joint Authority in conjunction with the Treasury, any reference in this section to the Minister shall, except in the proviso to subsection (1) thereof, be construed as a reference to the authority or authorities making or proposing to make the regulations.

Supplementary.

78.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them— Interpretation.

“appropriate Northern Irish authority” means such authority as may be specified in that behalf in any legislation passed by the Parliament of Northern Ireland for purposes similar to the purposes of this Act;

PART IV.
—cont.

“approved society” means a society approved under the National Health Insurance Act, 1936, or a branch of such a society recognised by the Minister under that Act;

“beneficiary” means a person entitled to benefit;

“benefit” means, unless the context otherwise requires, benefit under this Act;

“benefit year” means, in relation to any person, such period of fifty-two or fifty-three contribution weeks as may be prescribed;

“contract of service” means any contract of service or apprenticeship, whether written or oral, and whether expressed or implied;

“contribution week” means a period of seven days commencing from midnight between Sunday and Monday, and “contribution year” means, in relation to any person, such period of fifty-two or fifty-three contribution weeks as may be prescribed;

“date of introduction of new pension rates” means the day appointed for the commencement of retirement pensions or, if before that day the maximum rate of pensions under the Widows’, Orphans’ and Old Age Contributory Pensions Acts, 1936 to 1941, is increased by regulations under this Part of this Act, the day on which those regulations take effect;

“earnings” includes any remuneration or profit derived from a gainful occupation;

“employer’s contribution” means a contribution payable by a person otherwise than as an insured person;

“employment” includes any trade, business, profession, office or vocation and “employed” shall be construed accordingly except in the expression “employed person”;

“employment exchange” has the same meaning as the expression “labour exchange” in the Labour Exchanges Act, 1909, and includes a branch employment office and a juvenile employment bureau;

“entry into insurance” means, in relation to any person the date on which he becomes an insured person;

“friendly society” means a society registered as a friendly society under the Friendly Societies Act, 1896, being a society which as part of its ordinary

9 Edw. 7. c. 7.

59 & 60 Vict.
c. 25.

business provides benefits during sickness, or other infirmity, or in old age, or in widowhood, or for orphans, and not being a collecting society within the meaning of the Industrial Assurance Act, 1923;

PART IV.
—cont.

13 & 14 Geo. 5
c. 8.

“His Majesty’s dominions” includes British protectorates and protected states and any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the government of any part of His Majesty’s dominions;

“incapable of self-support” has the same meaning as in the Industrial Injuries Act;

“incapable of work” means incapable of work by reason of some specific disease or bodily or mental disablement or deemed in accordance with regulations, to be so incapable;

“the Industrial Injuries Act” means the National Insurance (Industrial Injuries) Act, 1946;

9 & 10 Geo. 6.
c. 62.

“insured person” means a person insured under this Act;

“the Minister” means the Minister of National Insurance;

“pensionable age” means the age of sixty-five, in the case of a man, and sixty, in the case of a woman;

“prescribed” means, unless the context otherwise requires, prescribed by regulations;

“regulations” means, unless the context otherwise requires, regulations made by the Minister under this Act;

“relevant contribution conditions”, in relation to benefit of any description, means the contribution conditions for benefit of that description.

(2) For the purposes of this Act—

(a) the expression “child” means a person who would be treated as a child for the purposes of the Family Allowances Act, 1945;

(b) a person shall be deemed to have attained or not to have attained school leaving age if he would be treated as being, as the case may be, over or under the upper limit of the compulsory school age for the purposes of the said Act;

PART IV.
—cont.

- (c) a person shall be deemed to have a family which includes a child or children if that person (not being a child) and a child or children (with or without a wife or husband of that person) would be treated for the purposes of the said Act as constituting a family, and references to a child of a person's family shall be construed accordingly.

(3) For the purposes of this Act, two persons shall not be deemed to have ceased to reside together by reason of any temporary absence of either or both of them, and in particular by reason of any such absence at school or while receiving medical treatment as an in-patient in a hospital or similar institution.

(4) For the purposes of this Act—

- (a) a person shall be deemed to be over or under any age therein mentioned if he has or has not attained that age;
- (b) a person shall be deemed to be between two ages therein mentioned if he has attained the first-mentioned age but has not attained the second-mentioned age;
- (c) a person shall be deemed, according to the law in England as well as according to the law in Scotland, not to have attained the age of eighteen years until the commencement of the eighteenth anniversary of the day of his birth, and similarly with respect to any other age;
- (d) regulations may provide that, for the purpose of determining whether a contribution is payable in respect of any person, or at what rate a contribution is payable, that person shall be treated as having attained at the beginning of a contribution week, or as not having attained until the end of a contribution week, any age which he attains during the course of that week.

(5) For the purposes of this Act, the amount of a person's earnings for any period, and the rate of a person's remuneration, shall be calculated or estimated in such manner and on such basis as may be prescribed.

(6) References in this Act to any benefit, pension or allowance payable under or by virtue of any enactment repealed or amended by this Act shall be construed as referring also to any benefit, pension or allowance payable under or by virtue of any corresponding enactment previously repealed.

79. This Act shall, in its application to Scotland, have effect subject to the following modifications:—

PART IV.
—cont.

Application
to Scotland.

- (a) for any reference to the High Court there shall be substituted a reference to the Court of Session;
- (b) for any reference to the Registrar-General and to regulations made by him under the Births and Deaths Registration Acts, 1836 to 1929, there shall be substituted respectively references to the Registrar General of births, deaths and marriages in Scotland and to regulations made by him under section six of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, and references to a superintendent registrar shall be omitted; 17 & 18 Vict.
c. 80.
- (c) any provision as to sums recoverable summarily or the summary recovery of sums as civil debts shall have effect as if the words “summarily” and “summary” were omitted;
- (d) for any reference to the bankruptcy of a person there shall be substituted a reference to the sequestration of the estate of a person, for any reference to the council of a county borough there shall be substituted a reference to the town council of a burgh, and for any reference to a workhouse there shall be substituted a reference to a poorhouse;
- (e) in section sixteen, for subsection (2) there shall be substituted the following subsection—
 “(2) In awarding inlying expenses in connection with the birth of an illegitimate child, the court shall not take into consideration the fact that the mother of the child is entitled to receive maternity benefit.”;
- (f) in section forty-three, paragraph (b) of subsection (4) and the reference to the Arbitration Acts, 1889 to 1934, shall be omitted;
- (g) in section forty-six, for subsection (4) there shall be substituted the following subsection—
 “(4) In paragraph (b) of the last foregoing subsection the expression “next of kin” shall be construed as referring to the persons entitled to the moveable estate of the deceased on intestacy.”;
- (h) section fifty-three shall have effect as if—
 - (i) subsections (1) and (2) were omitted;
 - (ii) for any reference to evidence sufficient to justify a prosecution there were substituted a reference to evidence sufficient to justify a report to the Lord Advocate with a view to consideration of the question of prosecution;

PART IV.
—*cont.*3 & 4 Geo. 5.
c. 20.

(i) nothing in subsection (2) of section fifty-four shall be construed as limiting the period within which proceedings for the recovery of any sum may be brought;

(j) in section fifty-five, for the reference to section thirty-three of the Bankruptcy Act, 1914, there shall be substituted a reference to section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913;

(k) in section sixty-six, subsection (5) shall have effect as if in paragraph (b) for the words “perfecting by further assurance” there were substituted the words “completing by recording a notice of title”, and as if in paragraph (c) the words “leasehold or other” were omitted;

9 & 10 Geo. 5.
c. 20.

(l) in section sixty-nine, subsection (1) shall have effect as if in paragraph (d) for the reference to section four of the Ministry of Health Act, 1919, there were substituted a reference to section five of the Scottish Board of Health Act, 1919.

Short title,
citation and
extent.

80.—(1) This Act may be cited as the National Insurance Act, 1946, and this Act and the National Insurance (Industrial Injuries) Act, 1946, may be cited together as the National Insurance Acts, 1946.

(2) This Act shall not extend to Northern Ireland except in so far as it—

(a) enlarges the powers of the Parliament of Northern Ireland;

(b) authorises the extension of any provision thereof to Northern Ireland;

(c) provides in relation to Northern Ireland for matters arising out of the repeal or amendment as respects Great Britain of enactments extending to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

CONTRIBUTION RATES.

PART I.

EMPLOYED PERSONS.

Description of employed person	Weekly Rate of Contribution	
	Initial rate	Permanent rate
	s. d.	s. d.
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)—		
Earning remuneration at a weekly rate exceeding 30s. 	4 7	4 9
Earning remuneration at a weekly rate of 30s. or less 	2 8	2 9
Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment)—		
Earning remuneration at a weekly rate exceeding 30s. 	3 7	3 9
Earning remuneration at a weekly rate of 30s. or less 	2 2	2 3
Boys under the age of 18 	2 8	2 9
Girls under the age of 18 	2 2	2 3

For the purpose of this and Part II of this Schedule a person shall be deemed to be earning remuneration at a weekly rate of thirty shillings or less if, but only if, his remuneration does not include the provision of board and lodging by the employer and the rate of the remuneration does not exceed thirty shillings a week, and to be earning remuneration at a weekly rate exceeding thirty shillings in any other case.

1ST SCH.
—cont.

PART II.

EMPLOYERS.

Description of employed person	Weekly Rate of Contribution	
	Initial rate	Permanent rate
	s. d.	s. d.
Men over the age of 18—		
Earning remuneration at a weekly rate exceeding 30s. or not being liable to pay a contribution as an employed person ...	3 10	4 0
Earning remuneration at a weekly rate of 30s. or less and being liable to pay a contribution as an employed person	5 9	6 0
Women over the age of 18—		
Earning remuneration at a weekly rate exceeding 30s. or not being liable to pay a contribution as an employed person ...	3 0	3 2
Earning remuneration at a weekly rate of 30s. or less and being liable to pay a contribution as an employed person	4 5	4 8
Boys under the age of 18	2 3	2 4
Girls under the age of 18	1 9	1 10

For the purpose of this Part of this Schedule a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.

PART III.

SELF-EMPLOYED PERSONS.

Description of self-employed person	Weekly Rate of Contribution	
	Initial rate	Permanent rate
	s. d.	s. d.
Men between the ages of 18 and 70 (not including men over the age of 65 who have retired from regular employment)	6 2	6 6
Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment)	5 1	5 5
Boys under the age of 18	3 7	3 9
Girls under the age of 18	3 1	3 3

PART IV.

1ST SCH.
—cont.

NON-EMPLOYED PERSONS.

Description of non-employed persons	Weekly Rate of Contribution	
	Initial rate	Permanent rate
	s. d.	s. d.
Men between the ages of 18 and 65	4 8	5 0
Women between the ages of 18 and 60	3 8	4 0
Boys under the age of 18	2 9	2 11
Girls under the age of 18	2 3	2 5

PART V.

EXCHEQUER SUPPLEMENT.

Description of person by or in respect of whom contribution is paid	Amount of supplement			
	For contribution as employed person	For employers contribution	For contribution as self-employed person	For contribution as non-employed person
	s. d.	s. d.	s. d.	s. d.
Men over the age of 18	1 1	1 0	1 1	9
Women over the age of 18	10	9	11	7
Boys under the age of 18	7	7	7	5
Girls under the age of 18	6	5	6	4

SECOND SCHEDULE.

RATE OR AMOUNT OF BENEFIT.

PART I.

RATES OF PERIODICAL BENEFITS AND OF INCREASES FOR DEPENDANTS.

Description of benefit	Weekly rate	Increase for child (where payable)	Increase for adult dependant (where payable)
	s. d.	s. d.	s. d.
1. Unemployment benefit—			
(a) in the case of a person over the age of eighteen, not being a married woman	26 0	7 6	16 0
(b) in the case of a person under the age of eighteen, not being a married woman—			
(i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant ...	26 0	7 6	16 0
(ii) during any other period	15 0	—	—
(c) in the case of a married woman over the age of eighteen—			
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is not residing with and is unable to obtain any financial assistance from her husband ...	26 0	7 6	16 0
(ii) during any other period	20 0	7 6	16 0
(d) in the case of a married woman under the age of eighteen—			
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is entitled to an increase of benefit in respect of a child or an adult dependant other than her husband and she is not residing with and is unable to obtain any financial assistance from her husband	26 0	7 6	16 0
(ii) during any other period during which she is entitled to an increase of benefit in respect of a child or adult dependant	20 0	7 6	16 0
(iii) during any other period	15 0	—	—
2. Sickness benefit—			
(a) in the case of a person over the age of eighteen, not being a married woman	26 0	7 6	16 0

2ND SCH.
—cont.

Description of benefit	Weekly rate	Increase for child (where payable)	Increase for adult dependant (where payable)
	s. d.	s. d.	s. d.
(b) in the case of a person under the age of eighteen, not being a married woman—			
(i) during any period during which that person is entitled to an increase of benefit in respect of a child or adult dependant ...	26 0	7 6	16 0
(ii) during any other period	15 0	—	—
(c) in the case of a married woman over the age of eighteen—			
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is not residing with and is unable to obtain any financial assistance from her husband ...	26 0	7 6	16 0
(ii) during any other period	16 0	7 6	16 0
(d) in the case of a married woman under the age of eighteen—			
(i) during any period during which she is entitled to an increase of benefit in respect of her husband, or during which she is entitled to an increase of benefit in respect of a child or an adult dependant other than her husband and she is not residing with and is unable to obtain any financial assistance from her husband ...	26 0	7 6	16 0
(ii) during any other period during which she is entitled to an increase of benefit in respect of a child or adult dependant ...	16 0	7 6	16 0
(iii) during any other period	15 0	—	—
3. Attendance allowance ...	20 0	—	—
4. Maternity allowance ...	36 0	—	—
5. Widow's allowance ...	36 0	7 6	—
6. Widowed mother's allowance ...	33 6	—	—
7. Widow's pension ...	26 0	—	—
8. Guardian's allowance ...	12 0	—	—
9. Retirement pension—			
(a) where the pension is payable to a woman by virtue of a husband's insurance and he is alive ...	16 0	7 6	—
(b) in any other case ...	26 0	7 6	16 0

2ND SCH.
—cont.

PART II.

AMOUNT OF GRANTS.

Description of grant	Amount		
	£	s.	d.
1. Maternity grant	4	0	0
2. Death grant, where the person in respect of whose death the grant is paid was at his death—			
(a) under the age of three	6	0	0
(b) between the ages of three and six	10	0	0
(c) between the ages of six and eighteen	15	0	0
(d) over the age of eighteen	20	0	0

Section 10.

THIRD SCHEDULE.

CONTRIBUTION CONDITIONS.

Unemployment and Sickness Benefit.

1. The contribution conditions for unemployment benefit or for sickness benefit are that—

- (a) not less than twenty-six contributions of the appropriate class have been paid by the claimant in respect of the period between his entry into insurance and the day for which the benefit is claimed; and
- (b) not less than fifty contributions of the appropriate class or their equivalent have been paid by or credited to him in respect of the last complete contribution year before the beginning of the benefit year which includes the day for which the benefit is claimed.

Maternity Grant and Attendance Allowance.

2.—(1) The contribution conditions for a maternity grant or an attendance allowance are—

- (a) that not less than twenty-six contributions of the appropriate class have been paid by the relevant person in respect of the period beginning with that person's entry into insurance and ending immediately before the relevant time; and
 - (b) that not less than twenty-six such contributions have been paid by or credited to that person in respect of the last complete contribution year before the relevant time.
- (2) In this paragraph—
- (a) the expression “relevant person” means the person by whom the conditions are to be satisfied;
 - (b) the expression “relevant time” means the date of the confinement, or, where the relevant person is the husband and he was dead or over pensionable age on that date, the date of his attaining pensionable age or dying under that age.

*Maternity Allowance.*3RD SCH
—cont.

3. The contribution conditions for a maternity allowance are that—

- (a) not less than forty-five contributions of the appropriate class have been paid by or credited to the claimant in respect of the fifty-two weeks immediately preceding the period for which the allowance is payable; and
- (b) of those contributions not less than twenty-six are either contributions actually paid or contributions credited by virtue of the section contained in Part IV of this Act relating to married women.

Widow's Benefit and Retirement Pension.

4.—(1) The contribution conditions for widow's benefit or a retirement pension are that—

- (a) not less than one hundred and fifty-six contributions of the appropriate class have been paid by the relevant person in respect of the period between that person's entry into insurance and the relevant time; and
- (b) the yearly average of the contributions paid by or credited to that person (ascertained as at the relevant time) is not less than fifty.

(2) In this paragraph—

- (a) the expression "relevant person" means the person by whom the conditions are to be satisfied;
- (b) the expression "relevant time" means the date of the relevant person attaining pensionable age or dying under that age.

Death Grant.

5.—(1) The contribution conditions for death grant are that—

- (a) not less than twenty-six contributions of the appropriate class have been paid by the relevant person in respect of the period between that person's entry into insurance and the relevant time; and

(b) either—

(i) not less than forty-five such contributions have been paid by or credited to that person in respect of the last complete contribution year before the relevant time; or

(ii) the yearly average of the contributions paid by or credited to that person (ascertained as at the relevant time) is not less than forty-five.

(2) In this paragraph—

- (a) the expression "relevant person" means the person by whom the conditions are to be satisfied;
- (b) the expression "relevant time" means the date of the deceased's death or, where immediately before that date the relevant person was dead or over pensionable age, the date of that person attaining pensionable age or dying under that age.

Section 37.

FOURTH SCHEDULE.

CONTRIBUTIONS FROM NATIONAL INSURANCE FUND TO
NATIONAL HEALTH SERVICE.

<i>Description of insured person.</i>				<i>Amount of contribution.</i>
Men over the age of 18	...	...	...	10d.
Women over the age of 18	...	...	...	8d.
Boys under the age of 18	...	...	...	6d.
Girls under the age of 18	...	...	...	6d.

Section 41.

FIFTH SCHEDULE.

CONSTITUTION ETC. OF NATIONAL INSURANCE ADVISORY
COMMITTEE.

1. The National Insurance Advisory Committee (in this Schedule referred to as “the Committee”) shall consist of a chairman appointed by the Minister and not less than four nor more than eight other members so appointed. At least one member of the Committee shall be a woman.

2. The chairman and other members shall hold office for a period which, in the cases of each of the members first appointed and of any member appointed to fill a casual vacancy shall be of such duration not exceeding five years as may be determined by the Minister, and in the case of all other members shall be a period of five years:

Provided that any member may by notice in writing to the Minister resign office at any time and shall be eligible for re-appointment from time to time on or after the expiration of his term of office.

3. No member of the Committee shall be capable of being elected to, or of sitting in, the House of Commons.

4. Of the said members, other than the chairman, there shall be appointed—

- (a) one after consultation with organisations representative of employers;
- (b) one after consultation with organisations representative of workers;
- (c) one after consultation with friendly societies or organisations representative of friendly societies; and
- (d) if and when reciprocal arrangements with the appropriate Northern Irish authority are in force under this Act, one after consultation with that authority.

5. If a member becomes, in the opinion of the Minister, unfit to continue in office or incapable of performing his duties, the Minister shall forthwith declare his office to be vacant and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.
6. The Minister shall appoint a secretary to the Committee, and may appoint such other officers and such servants to the Committee, and there shall be paid to them such salaries and allowances, as the Minister may with the consent of the Treasury determine.
7. The expenses of the Committee to such an amount as may be approved by the Treasury (including such salaries or other remuneration paid to all or any of the members as the Minister with the consent of the Treasury may determine and including salaries and allowances payable under the last foregoing paragraph) shall be paid by the Minister.
8. There may be paid as part of the expenses of the Committee to persons attending its meetings at the request of the Committee such travelling and other allowances (including compensation for loss of remunerative time) as the Minister may, with the consent of the Treasury, determine.
9. The Committee may act notwithstanding any vacancy among the members of the Committee.
10. The Committee may make rules for regulating the procedure (including the quorum) of the Committee.

5TH SCH.
—cont.

SIXTH SCHEDULE.

Section 45.

SCALE OF SUPERANNUATION ALLOWANCES OF
COMMISSIONER AND DEPUTY COMMISSIONERS.

When the number of completed years of service is as specified in the first column of the following table, the annual allowance shall not exceed the fraction of the last annual salary respectively specified in the second column of that table:—

<i>Years of service.</i>	<i>Fraction of salary.</i>
Less than 5	Six-thirtieths
5	Ten-thirtieths
6	Eleven-thirtieths
7	Twelve-thirtieths
8	Thirteen-thirtieths
9	Fourteen-thirtieths
10	Fifteen-thirtieths
11	Sixteen-thirtieths
12	Seventeen-thirtieths
13	Eighteen-thirtieths
14	Nineteen-thirtieths
15 or more	Twenty-thirtieths

Section 51.

SEVENTH SCHEDULE.

DOCUMENTS EXEMPT FROM STAMP DUTY.

1. Draft or order or receipt given in respect of benefit payable under this Act or under any supplementary scheme, or in respect of any sums payable to the body charged with the administration of a supplementary scheme.
 2. Letter or power of attorney granted by any person as trustee for the transfer of any money vested in his name in the public funds or in any other securities and forming part of any funds applicable for the purpose of any supplementary scheme.
 3. Agreement, bond or other security made or given for the purpose of, or in connection with, any supplementary scheme.
 4. Appointment or revocation of appointment of an agent, appointment of a new trustee, and any conveyance or transfer made for effectuating the appointment of a new trustee, and any other document authorised by or in pursuance of this Act or of any supplementary scheme or otherwise required in order to give effect to the provisions of this Act, including a statutory declaration.
 5. Receipt given in respect of a refund or return of contributions paid under this Act.
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Section 63.

EIGHTH SCHEDULE.

CONSTITUTION ETC. OF JOINT AUTHORITY.

1. The Joint Authority shall be a body corporate by the name of "the National Insurance Joint Authority," and shall have an official seal which shall be officially and judicially noticed, and the seal of the Authority may be authenticated by either member of, or the secretary to, the Authority, or by any person authorised by the Authority to act on behalf of the secretary.
 2. Either member of the Joint Authority shall be entitled, subject to and in accordance with any rules laid down by the Authority, to appoint a deputy to act for him at meetings of the Authority at which he is unable to be present.
 3. The Documentary Evidence Act, 1868, shall apply to the Joint Authority as if that Authority were included in the first column of the Schedule to the said Act, and as if either member or the secretary, or any person authorised to act on behalf of the secretary, of the Authority were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Authority.
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31 & 32 Vict.
c. 37.

NINTH SCHEDULE.

Section 65.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Geo. 5. c. 20.	The Bankruptcy (Scotland) Act, 1913.	Paragraph (e) of subsection (1) of section one hundred and eighteen.
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act, 1914.	Paragraph (e) of subsection (1) of section thirty-three.
5 & 6 Geo. 5. c. 93.	The War Loan (Supplemental Provisions) Act, 1915.	In section eight the words "or society approved for the purposes of the National Insurance Act, 1911."
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	Subsection (5) of section thirty-nine.
22 & 23 Geo. 5. c. 11.	The Northern Ireland (Miscellaneous Provisions) Act, 1932.	Section four.
25 & 26 Geo. 5. c. 8.	The Unemployment Insurance Act, 1935.	Sections one to sixty ; section sixty-two ; sections sixty-five to seventy-one ; in section seventy-two, subsections (1) to (8) and paragraphs (a) and (c) of subsection (9) ; sections seventy-three to seventy-five ; sections eighty-four and eighty-five ; in section eighty-six, subsections (1) and (3) ; section eighty-eight ; sections ninety-two to ninety-five ; in section ninety-six, subsections (1) to (9) and paragraph (b) of subsection (10) ; sections ninety-seven to ninety-nine ; in section one hundred and four, subsections (2) to (6) ; sections one hundred and six to one hundred and twelve ; in subsection (1) of section one hundred and thirteen, paragraphs (a), (c) to (g), (i) to (p), (s) to (u) ; sections one hundred and fourteen and one hundred and fifteen ; in section one hundred and sixteen, subsections (2) and (3) ; the whole of the Schedules.

9TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Geo. 5. c. 33.	The Unemployment Insurance (Crediting of Contributions) Act, 1935.	The whole Act.
26 Geo. 5 & 1 Ed. 8. c. 13.	The Unemployment Insurance (Agriculture) Act, 1936.	The whole Act.
26 Geo. 5. & 1 Ed. 8. c. 32.	The National Health Insurance Act, 1936.	The whole Act.
26 Geo. 5. & 1 Ed. 8. c. 33.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1936.	The whole Act.
1 Ed. 8 & 1 Geo. 6. c. 24.	The National Health Insurance Act (Amendment) Act, 1937.	The whole Act.
1 Ed. 8. & 1 Geo. 6. c. 39.	The Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937.	The whole Act.
1 Ed. 8. & 1 Geo. 6. c. 68.	The Local Government Superannuation Act, 1937.	Section thirty-three.
1 Ed. 8. & 1 Geo. 6. c. 69.	The Local Government Superannuation (Scotland) Act, 1937.	Section twenty-seven.
1 & 2 Geo. 6. c. 3.	The National Health Insurance (Juvenile Contributors and Young Persons) Act, 1937.	The whole Act.
1 & 2 Geo. 6. c. 8.	The Unemployment Insurance Act, 1938.	The whole Act, except sections one and six and, so far as it relates to the said sections, section eight.
1 & 2 Geo. 6. c. 14.	The National Health Insurance (Amendment) Act, 1938.	The whole Act.
1 & 2 Geo. 6. c. 44.	The Road Haulage Wages Act, 1938.	In subsection (2) of section six the words "the Unemployment Insurance Act, 1935, the National Health Insurance Act, 1936."
2 & 3 Geo. 6. c. 29.	The Unemployment Insurance Act, 1939.	The whole Act, except section eight.
2 & 3 Geo. 6. c. 84.	The National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. 6. c. 92.	The Unemployment Insurance (Emergency Powers) Act, 1939.	The whole Act.
3 & 4 Geo. 6. c. 13.	The Old Age and Widows' Pensions Act, 1940.	Part I (including the First Schedule).
3 & 4 Geo. 6. c. 44.	The Unemployment Insurance Act, 1940.	The whole Act, except section five.
4 & 5 Geo. 6. c. 39.	The National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941.	Parts I and III (including the Schedules to the Act).
6 & 7 Geo. 6. c. 24.	The Catering Wages Act, 1943.	In subsection (1) of section ten the words "the Unemployment Insurance Acts, 1935 to 1940, the National Health Insurance Acts, 1936 to 1941."
7 & 8 Geo. 6. c. 42.	The Unemployment Insurance (Increase of Benefit) Act, 1944.	The whole Act.
8 & 9 Geo. 6. c. 14.	The Teachers (Superannuation) Act, 1945.	Subsections (3) and (4) of section eleven.
8 & 9 Geo. 6. c. 17.	The Wages Councils Act, 1945.	In subsection (1) of section thirteen the words "the Unemployment Insurance Acts, 1935 to 1944, the National Health Insurance Acts, 1936 to 1941."
8 & 9 Geo. 6. c. 37.	The Education (Scotland) Act, 1945.	In the Fourth Schedule, in the entry relating to the Unemployment Insurance Act, 1935, the words from "and in the First Schedule" to the end of the entry, and the whole of the entry relating to the National Health Insurance Act, 1936.
8 & 9 Geo. 6. c. 41.	The Family Allowances Act, 1945.	Sections twelve and thirteen.

TENTH SCHEDULE.

EXISTING FUNDS ABSORBED INTO NATIONAL INSURANCE
(RESERVE) FUND.

PART I.

UNEMPLOYMENT FUND.

<i>Fund.</i>	<i>Enactment.</i>
The Unemployment Fund ...	The Unemployment Insurance Act, 1935, s. 58 (1).

PART II.

HEALTH INSURANCE FUNDS.

The National Health Insurance Fund.	The National Health Insurance Act, 1936, s. 140 (1).
The Scottish National Health Insurance Fund.	The National Health Insurance Act, 1936, s. 191.
The Welsh National Health Insurance Fund.	The National Health Insurance Act, 1936, s. 223.
The Central Fund	The National Health Insurance Act, 1936, s. 154 (1).
The Unemployment Arrears Fund.	The National Health Insurance Act, 1936, s. 157 (1).
The Approved Societies (Officers) Guarantee Fund (Joint Committee).	The National Health Insurance Act, 1936, s. 81.

PART III.

PENSIONS FUNDS.

The Pensions Account	The Widows', Orphans' and Old Age Contributory Pensions Act, 1936, s. 14 (1).
The Pensions (Scotland) Account	The Widows', Orphans' and Old Age Contributory Pensions Act, 1936, s. 44 (4).
The Treasury Pensions Account	The Widows', Orphans' and Old Age Contributory Pensions Act, 1936, s. 14 (2).
The Special Pensions Account ...	The Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937, s. 6 (1).
The Special Pensions (Scotland) Account.	The Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937, s. 19.
The Treasury Special Pensions Account.	The Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937, s. 6 (2).

ELEVENTH SCHEDULE.

CONSEQUENTIAL AMENDMENTS.

PART I.

AMENDMENTS OF UNEMPLOYMENT ASSISTANCE ACTS, 1934 TO 1940.

Enactment amended.	Subject matter.	Amendments.
Unemployment Assistance Act, 1934— Section thirty-six.	Application of Act ...	<p>In sub-paragraph (i) of paragraph (b) of subsection (1) for the words “are payable” there shall be substituted the words “would but for the National Insurance Act, 1946, have been payable”; after paragraph (c) of the said subsection (1) there shall be inserted the words “or the following qualifications, namely, that he has attained the age of sixty-five years and is entitled to unemployment benefit under the National Insurance Act, 1946, or only not so entitled by reason of regulations under that Act or by reason of any disqualification contained in that Act”; in the proviso to the said subsection (1) for the words “benefit under the Unemployment Insurance Acts” there shall be substituted the words “unemployment benefit under the National Insurance Act, 1946”, and for the words “an insured contributor under those Acts” there shall be substituted the words “otherwise entitled to such benefit”.</p> <p>In subsection (2) for the words “approved by the Minister in his case under that Act” there shall be substituted the words “approved by the Minister of Labour and National Service in his case for the purposes of the National Insurance Act, 1946”.</p> <p>In paragraph (a) of the proviso to subsection (3) for the words “are payable” there shall be substituted the words “would but for the National Insurance Act, 1946, have been payable”;</p>

11TH SCH.
—cont.

Enactment amended.	Subject matter.	Amendments.
Unemployment Assistance Act, 1934— <i>cont.</i> Section thirty-six— <i>cont.</i>		<p>for paragraph (b) of that proviso there shall be substituted the following paragraph :—</p> <p>“(b) any question as to a person’s right to or disqualification for unemployment benefit under the National Insurance Act, 1946 ;”</p> <p>and in the following part of that proviso for the words “the insurance officer” there shall be substituted the words “the officer to whom claims for benefit under the National Insurance Act, 1946, are submitted in the first instance”, for the words “a claim for benefit under the Unemployment Insurance Acts” there shall be substituted the words “such a claim”, and for the words “an insurance officer or a court of referees” there shall be substituted the words “such an officer or a local tribunal”.</p> <p>In the concluding paragraph of that subsection, after the words “the National Health Insurance Act, 1936”, there shall be inserted the words “would but for the National Insurance Act, 1946, have lain” and for the words “as he has” there shall be substituted the words “as he would but for the National Insurance Act, 1946, have had”.</p>
Section forty...	Method of dealing with cases of special difficulty.	In the proviso to subsection (1) for the words “benefit under the Unemployment Insurance Acts” there shall be substituted the words “unemployment benefit under the National Insurance Act, 1946”.
Section forty-two.	Issue of allowances.	For the words “benefit under the Unemployment Insurance Acts, 1920 to 1934” there shall be substituted the words “unemployment benefit under the National Insurance Act, 1946”.

Enactment amended.	Subject matter.	Amendments.
Unemployment Assistance Act, 1934— <i>cont.</i> Section fifty-four. Eighth Schedule The Unemployment Insurance Act, 1940— Section five ...	Interpretation ... Modification of enactments relating to the relief of the poor. Extension of Unemployment Assistance Act, 1934.	In subsection (1), the definition of “the Unemployment Insurance Acts” shall be omitted. After the words “unemployment benefit” wherever they occur there shall be inserted the words “under the National Insurance Act, 1946”. In the sub-paragraph inserted in subsection (1) of section thirty-six of the Unemployment Assistance Act, 1934, for the words “are payable” there shall be substituted the words “would but for the National Insurance Act, 1946, have been payable”. At the end of subsection (2) there shall be added the words “and as if the National Insurance Act, 1946, had not been passed”.

PART II.

AMENDMENTS OF OR RELATING TO PARTS VI AND VII OF
UNEMPLOYMENT INSURANCE ACT, 1935.

The Unemployment Insurance Act, 1935— Section eighty	Power to make grants out of Unemployment Fund towards expenses of attendance at authorised courses.	For any reference to the Unemployment Fund there shall be substituted a reference to the National Insurance Fund ; for the words “insured contributors in receipt of benefit” in subsection (1) there shall be substituted the words “persons entitled to unemployment benefit under the National Insurance Act, 1946, or only not so entitled by reason of regulations under that Act” ; for subsection (2) there shall be substituted the following subsection :— “(2) Grants under this section shall not exceed half a million pounds in any year.” ; and in subsection (3) the words from “but” to the end of the subsection shall be omitted.
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11TH SCH.
—cont.

Enactment amended.	Subject matter.	Amendments.
The Unemployment Insurance Act, 1935— <i>cont.</i> Section eighty-one.	Miscellaneous powers of education authorities.	In paragraph (b) of subsection (1) and in paragraph (a) of subsection (2), for the word “benefit” there shall be substituted the words “unemployment benefit under the National Insurance Act, 1946”; paragraph (c) of the said subsection (1) shall be omitted; and in subsection (2) for the reference to the Unemployment Fund there shall be substituted a reference to the National Insurance Fund.
Section one hundred and three.	Payment out of Unemployment Fund of travelling expenses of insured contributors.	For any reference to the Unemployment Fund there shall be substituted a reference to the National Insurance Fund; for the words “being an insured contributor in whose case the first statutory condition is fulfilled” in subsection (1) there shall be substituted the words “being a person satisfying the contribution conditions for unemployment benefit under the National Insurance Act, 1946”; and for the word “benefit” in subsection (2) there shall be substituted the words “unemployment benefit, sickness benefit or retirement pension under the National Insurance Act, 1946”.
Section one hundred and thirteen.	Interpretation	In the definition of “insured contributor” contained in paragraph (q) of subsection (1) after the word “person” there shall be inserted the words “who would, but for the National Insurance Act, 1946, be”.
The Unemployment Insurance Act, 1939— Section eight...	Amendments as respects training courses.	In subsection (4) for the reference to the Unemployment Fund there shall be substituted a reference to the National Insurance Fund and for the words “unless they are in receipt of benefit” there shall be substituted the words “unless they are entitled to unemployment benefit under the National Insurance Act, 1946, or only not so entitled by reason of regulations under that Act”.

PART III.

11TH SCH.
—cont.

AMENDMENTS OF ACTS RELATING TO SUPPLEMENTARY PENSIONS.

Enactment amended.	Subject matter.	Amendments.
Old Age and Widows' Pensions Act, 1940— Section nine ...	Supplementation of old age pensions and widows' pensions.	At the end of subsection (1) there shall be added the words “or a person by whom payments by way of a retirement pension or a widowed mother's allowance are receivable, or a person by whom payments by way of a widow's allowance are receivable and who either has attained the age of sixty or is entitled to an increase of the allowance for a child”.
Section nineteen.	Interpretation ...	<p>In subsection (1), at the end of the definition of “old age pension” there shall be inserted the words “but does not include a retirement pension”; and after the definition of “prescribed” there shall be inserted the following definitions:—</p> <p>“‘retirement pension’, ‘widow's allowance’, and ‘widowed mother's allowance’ mean respectively a retirement pension, a widow's allowance and a widowed mother's allowance under the National Insurance Act, 1946”.</p> <p>At the end of the section there shall be added the following subsection:—</p> <p>“(3) Regulations made under the National Insurance Act, 1946, for adjusting benefit under that Act or the conditions for the receipt thereof by reference to any other pension or allowance payable to the beneficiary may provide, as respects a retirement pension, a widowed mother's allowance, a widow's allowance or an increase of a widow's allowance for a child, that, for the purposes of this Act (including the enactments applied by the Second</p>

11TH SCH.
—*cont.*

Enactment amended.	Subject matter.	Amendments.
Old Age and Widows' Pensions Act, 1940— <i>cont.</i> Section nineteen— <i>cont.</i>		Schedule to this Act and any Act amending this Act), a person shall be deemed to be entitled to, and payments shall be deemed to be receivable on account of, any such allowance or increase in any circumstances prescribed by the regulations where that person would be so entitled or those payments would be so receivable, as the case may be, but for any such regulations."
Second Schedule.	Provisions of Unemployment Assistance Act, 1934, applied with modifications.	<p>In the modification of subsection (3) of section thirty-eight of the Act of 1934 after the words "old age pension" there shall be inserted the words "or retirement pension".</p> <p>In Parts II and III (as amended by the Pensions and Determination of Needs Act, 1943) of the Schedule substituted for the Eighth Schedule to the Act of 1934, after sub-paragraph (a) of paragraph 1 there shall be inserted the following sub-paragraph :—</p> <p>"(aa) to any person during any period in respect of which a retirement pension, widow's allowance or widowed mother's allowance is payable to that person except—</p> <p>(i) during any period after the date for the commencement of that pension or allowance and before the date when the first payment by way of the pension or allowance becomes receivable by that person ; or</p> <p>(ii) in the case of a widow's allowance, during any other period during which she is not eligible for a supplementary pension ; or".</p> <p>In sub-paragraph (a) of paragraph 2 after "(a) (i)" there shall be inserted "or (aa) (i)" after the word "widow" there shall be inserted the words "to whom</p>

Enactment amended.	Subject matter.	Amendments.
Old Age and Widows' Pensions Act, 1940 —cont. Second Schedule —cont.		a widow's pension is payable" and at the end of that subparagraph there shall be added the words "or to a widow to whom a widow's allowance is payable, during any period during which she has not attained that age and in respect of which she is not entitled to an increase of her allowance for a child "
Pensions and Determination of Needs Act, 1943— Section four ...	Widows with children, and commencement of supplementary pension.	In subsection (2) after the words "foregoing subsection" there shall be inserted the words "or where, at the time when a widow ceases to be entitled to a widowed mother's allowance or to an increase of a widow's allowance for a child, she has not attained the age of sixty but a determination is in force granting her a supplementary pension by virtue of the National Insurance Act, 1946", and at the end of sub-paragraph (a) there shall be added the words "to be entitled to widow's benefit under the said Act ; or". In subsection (4) after the word "thereof" there shall be inserted the words "or, as the case may be, after the date for the commencement of that person's retirement pension, widow's allowance or widowed mother's allowance and before the date when the first payment by way of the pension or allowance became receivable by that person", and at the end of that subsection there shall be added the words "and she is not entitled to a widowed mother's allowance or to an increase of a widow's allowance for a child".

11TH SCH.
—cont.PART IV.
MISCELLANEOUS AMENDMENTS.

Enactment amended.	Subject matter.	Amendments.
The Finance Act, 1921— Section thirty-three.	Exemption from income tax for special and supplementary schemes under Unemployment Insurance Acts.	For the reference to the schemes mentioned in subsection (1) there shall be substituted a reference to any supplementary scheme under this Act.
The Local Government Superannuation Act, 1937— Section forty...	Interpretation ...	In paragraph (b) of the definition of "officer," contained in subsection (1), for the words "he is not an employed contributor within the meaning of the National Health Insurance Act, 1936," there shall be substituted the words "his employment is not by way of manual labour".
The Local Government Superannuation (Scotland) Act, 1937— Section thirty-four.	Interpretation ...	In paragraph (b) of the definition of "officer," contained in subsection (1), for the words "he is not an employed contributor within the meaning of the National Health Insurance Act, 1936," there shall be substituted the words "his employment is not by way of manual labour".
National Service (Armed Forces) Act, 1939— Section six ...	Postponement certificates.	For the references to the umpire or any deputy umpire appointed by His Majesty for the purposes of the Unemployment Insurance Act, 1935, there shall be substituted references to the umpire or any deputy umpire appointed by His Majesty for the purposes of the Reinstatement in Civil Employment Act, 1944.

Enactment amended.	Subject matter.	Amendments.
National Service (Armed Forces) Act, 1939— <i>cont.</i> Part II of the Schedule.	Constitution of Military Service (Hardship) Committee.	For the reference to one or other of the panels constituted under section forty-one of the Unemployment Insurance Act, 1935, there shall be substituted a reference to any panel constituted for the purposes of section forty-three of this Act in connection with the establishment of the local tribunals referred to in subsection (3) of that section, and for the reference to a person holding the office of chairman of a court of referees under the said section forty-one there shall be substituted a reference to a person holding the office of chairman of any such local tribunal as aforesaid.
The Workmen's Compensation and Benefit (Byssinosis) Act, 1940— Section two ...	Benefit scheme for former cotton workers.	For the reference to any benefits payable under the National Health Insurance Acts, 1936 to 1939, there shall be substituted a reference to sickness benefit under this Act.
The Workmen's Compensation Act, 1943— Section two ...	Benefit scheme for former coal-miners.	For the reference to any benefit payable under the National Health Insurance Acts, 1936 to 1941, there shall be substituted a reference to sickness benefit under this Act.

TWELFTH SCHEDULE.

Section 68.

ENACTMENTS REPRINTED AS AMENDED.

PART I.

S. 36 OF THE UNEMPLOYMENT ASSISTANCE ACT, 1934.

[NOTE.—This section is reprinted as amended by or by virtue of the Unemployment Insurance Act, 1935, the National Health Insurance Act, 1936, the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, the Unemployment Insurance Act, 1940, the Ministry of National Insurance Act, 1944, and this Act.]

36.—(1) Subject to the provisions of this Part of this Act relating to suspension from the application thereof, this Part of this Act applies to any person in whose case the following qualifications are fulfilled, that is to say—

(a) that he has attained the age of sixteen years and has not attained the age of sixty-five years; and

(b) that he is either—

(i) a person whose normal occupation is employment in respect of which contributions would but for the National Insurance Act, 1946, have been payable under the Widows', Orphans' and Old Age Contributory Pensions Act, 1936; or

(ii) a person who, not having normally been engaged in any remunerative occupation since attaining the age of sixteen years, might reasonably have expected that his normal occupation would have been such employment as aforesaid but for the industrial circumstances of the district in which he resides; or

(iii) a person whose normal occupation is employment in respect of which, by virtue of section four of the Unemployment Insurance Act, 1940, contributions would but for the National Insurance Act, 1946, have been payable under the Unemployment Insurance Acts, 1935 to 1940; and

(c) that he is capable of and available for work

or the following qualifications, namely, that he has attained the age of sixty-five years and is entitled to unemployment benefit under the National Insurance Act, 1946, or only not so entitled by reason of regulations under that Act or by reason of any disqualification contained in that Act:

Provided that during any period during which a person is disqualified for receiving unemployment benefit under the National Insurance Act, 1946, owing to his having lost employment by reason of a stoppage of work which was due to a trade dispute, or during which he would have been so disqualified as aforesaid if he had been otherwise entitled to such benefit, he shall, notwithstanding that the foregoing qualifications are fulfilled in his case, be deemed not to be a person to whom this Part of this Act applies.

(2) For the purposes of the foregoing qualifications, a person shall not be deemed not to be capable of, and available for, work by reason only

that he is attending at an authorised course under the Unemployment Insurance Act, 1935, or at a training course or course of instruction approved by the Minister of Labour and National Service in his case for the purposes of the National Insurance Act, 1946, or at a training course or course of instruction or at any place at which he is required to be in accordance with a condition attached to a determination made under this Part of this Act, and rules made under this Part of this Act may provide that a person shall, in such circumstances as may be specified in the rules, be deemed to be capable of and available for work notwithstanding such periods of occasional sickness or incapacity as may be specified therein.

(3) Any question whether a person is or is not a person to whom this Part of this Act applies shall be decided by officers of the Board on an application made in the prescribed manner, but any applicant for an allowance under this Part of this Act or any public assistance authority may appeal from any such decision to the chairman of the appeal tribunal constituted in accordance with the provisions of the Seventh Schedule to this Act, whose decision shall be final:

Provided that, if on consideration of any appeal under this subsection, any dispute or doubt arises as to—

(a) the question whether any employment is employment in respect of which contributions would but for the National Insurance Act, 1946, have been payable under the Widows', Orphans' and Old Age Contributory Pensions Act, 1936; or

(b) any question as to a person's right to or disqualification for unemployment benefit under the National Insurance Act, 1946;

the first mentioned question shall be referred by the chairman of the appeal tribunal for the decision of the Minister in such manner as he may direct, and the second mentioned question shall be referred by the chairman of the appeal tribunal to the officer to whom claims for benefit under the National Insurance Act, 1946, are submitted in the first instance and be determined by the same persons and in the same manner as if the question had arisen upon such a claim, so, however, that an appeal from the decision of such an officer or a local tribunal upon any such question shall not lie at the instance of a public assistance authority.

An appeal from a decision of the Minister upon a question referred to him under this subsection shall lie in the same manner as an appeal under section one hundred and sixty-one of the National Health Insurance Act, 1936, would but for the National Insurance Act, 1946, have lain, and the rules of court for regulating such appeals shall apply accordingly and the Minister shall have the same power to refer a question for decision, and the same powers as to revising decisions, and the same right of appearing and being heard, as he would but for the National Insurance Act, 1946, have had under that section.

(4) Nothing in the last foregoing subsection shall be construed as preventing an officer of the Board or the chairman of the appeal tribunal, on new facts being brought to his knowledge, revising a decision given in any particular case, but for the purposes of any such revision the provisions of the last foregoing subsection shall apply in like manner as they applied in relation to the original decision and the revised decision shall have effect as from the date thereof.

PART II.

SS. 80, 81 AND 103 OF THE UNEMPLOYMENT INSURANCE ACT, 1935.

[NOTE.—These sections are reprinted as amended by or by virtue of the Ministry of National Insurance Act, 1944, and this Act and also, prospectively, by the Education Act, 1944, and the Education (Scotland) Act, 1945.]

80.—(1) Subject to the provisions of this section the Minister may, with the consent of the Treasury, authorise the payment out of the National Insurance Fund of grants towards expenses incurred by the Minister of Labour and National Service in respect of the attendance at authorised courses of persons entitled to unemployment benefit under the National Insurance Act, 1946, or only not so entitled by reason of regulations under that Act.

(2) Grants under this section shall not exceed half a million pounds in any year.

(3) All sums paid out of the National Insurance Fund under this section shall be paid as an appropriation in aid of moneys provided by Parliament for the expenses of the Minister of Labour and National Service.

81.—(1) An education authority in England shall have power, in accordance with a scheme to be approved by the Minister of Labour and National Service, to make arrangements for giving to persons under the age of eighteen years assistance with respect to the choice of suitable employment by means of the collection and communication of information and the furnishing of advice, and to undertake such additional duties as are specified in the scheme, being duties in connection with the administration of unemployment benefit under the National Insurance Act, 1946, claimed by persons under the age of eighteen years.

(2) Where a scheme under this section is in force—

(a) there shall out of the National Insurance Fund be repaid to the education authority sums equal to the aggregate amount from time to time paid in unemployment benefit under the National Insurance Act, 1946, by the authority; and

(b) there shall from time to time be paid out of moneys provided by Parliament to the education authority in respect of administrative expenses such sums as may be determined in accordance with regulations made by the Minister of Labour and National Service with the consent of the Treasury.

(5) The provisions of section one hundred of the Education Act, 1944, so far as they relate to grants to education authorities in respect of the exercise of their powers and duties under this section, shall have effect as if the Minister of Labour and National Service were substituted for the Minister of Education.

(6) Nothing in this section shall affect the provisions of subsection (2) of section forty-two of the Unemployment Act, 1934, except that for the reference therein to section six of the Unemployment Insurance Act, 1923, there shall be substituted a reference to this section.

103.—(1) Where any payment, whether by way of grant or advance, has been made out of moneys provided by Parliament to or in respect of any person, being a person satisfying the contribution conditions for receipt of unemployment benefit under the National Insurance Act, 1946, on account of the expenses of travelling to any place for the purpose of obtaining employment, the Minister may, whether employment has or has not been found for that person at that place, repay out of the National Insurance Fund to the Exchequer, in such manner as the Treasury may direct, such part of the grant or advance as may, with the consent of the Treasury, be prescribed.

(2) If, in the event of employment being found for a person to or in respect of whom any such grant or advance as aforesaid has been made, that person, without reasonable excuse, either fails to enter on, or within seven days of entering thereon leaves, the employment found for him, the sum repaid under this section out of the National Insurance Fund may be recovered from him or deducted from any unemployment benefit, sickness benefit or retirement pension under the National Insurance Act, 1946, which may thereafter become payable to him, and if so recovered shall be paid into the National Insurance Fund.

PART III.

PARTS II AND III OF THE EIGHTH SCHEDULE TO THE UNEMPLOYMENT ASSISTANCE ACT, 1934 (AS IT APPLIES FOR THE PURPOSES OF THE OLD AGE AND WIDOWS' PENSIONS ACT, 1940), AND S. 4 (2) AND (4) OF THE PENSIONS AND DETERMINATION OF NEEDS ACT, 1943.

A. Parts II and III of the Eighth Schedule to the Unemployment Assistance Act, 1934.

[NOTE.—These provisions are reprinted as amended by the Pensions and Determination of Needs Act, 1943, and this Act.]

PART II: PROVISIONS APPLYING TO ENGLAND AND WALES.

1. A public assistance authority shall not after the commencement of this Schedule order outdoor relief to be given—

(a) to any person during any period in respect of which an old age or widow's pension is payable to that person except—

(i) during any period after the date when the pension began to accrue to that person but before the date on which the person becomes entitled to receive weekly payments on account thereof; or

(ii) in the case of a widow's pension, during any other period during which she is not eligible for a supplementary pension;

(aa) to any person during any period in respect of which a retirement pension, widow's allowance or widowed mother's allowance is payable to that person except—

(i) during any period after the date for the commencement of that pension or allowance and before the date when the first payment by way of the pension or allowance becomes receivable by that person; or

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—cont.

(ii) in the case of a widow's allowance, during any other period during which she is not eligible for a supplementary pension; or

(b) to any person whose needs have been taken into account in a determination for the time being in force granting a supplementary pension:

Provided that this paragraph shall not apply to the granting of relief in respect of the medical needs of any person or affect any powers or duties under section seventeen of the Poor Law Act, 1930 (which relates to relief in cases of sudden or urgent necessity).

2. The Assistance Board shall pay to any public assistance authority—

(a) the cost of any outdoor relief (not being relief in respect of medical needs) lawfully given after the commencement of this Schedule to any person during any such period as is mentioned in sub-paragraph (a) (i) or (aa) (i) of the foregoing paragraph, other than relief given—

(i) to a widow to whom a widow's pension is payable, during a period during which she has not attained the age of sixty and in respect of which no additional allowance in respect of a child is paid to her as part of her pension; or

(ii) to a widow to whom a widow's allowance is payable, during any period during which she has not attained that age and in respect of which she is not entitled to an increase of her allowance for a child;

(b) the cost of any relief under section seventeen of the Poor Law Act, 1930 (not being relief in respect of medical needs) given after the commencement of this Schedule to a person eligible for a supplementary pension:

Provided that the amount payable by the Board in respect of any person under sub-paragraph (a) or sub-paragraph (b) of this paragraph shall not exceed the amount of the supplementary pension which would have been granted to that person by the Board, and any dispute between the Board and any authority as to the amount of the supplementary pension which would have been granted as aforesaid shall be referred to the appeal tribunal, whose decision shall be final.

PART III: PROVISIONS APPLYING TO SCOTLAND.

1. A poor law authority shall not after the commencement of this Schedule afford outdoor relief—

(a) to any person during any period in respect of which an old age or widow's pension is payable to that person except—

(i) during any period after the date when the pension began to accrue to that person but before the date on which the person becomes entitled to receive weekly payments on account thereof; or

(ii) in the case of a widow's pension during any other period during which she is not eligible for a supplementary pension;

(aa) to any person during any period in respect of which a retirement pension, widow's allowance or widowed mother's allowance is payable to that person except—

(i) during any period after the date for the commencement of that pension or allowance and before the date when the first payment by way of the pension or allowance becomes receivable by that person; or

(ii) in the case of a widow's allowance during any other period during which she is not eligible for a supplementary pension; or

(b) to any person whose needs have been taken into account in a determination for the time being in force granting a supplementary pension:

Provided that—

(i) nothing in this paragraph shall prohibit outdoor relief being afforded to any person in a case of sudden or urgent necessity;

(ii) this paragraph shall not apply to the affording of relief in respect of the medical needs of any person.

2. The Assistance Board shall pay to any poor law authority—

(a) the cost of any outdoor relief (not being relief in respect of medical needs) lawfully given after the commencement of this Schedule to any person during any such period as is mentioned in sub-paragraph (a) (i) or (aa) (i) of the foregoing paragraph, other than relief given—

(i) to a widow to whom a widow's pension is payable, during a period during which she has not attained the age of sixty and in respect of which no additional allowance in respect of a child is paid to her as part of her pension; or

(ii) to a widow to whom a widow's allowance is payable, during any period during which she has not attained that age and in respect of which she is not entitled to an increase of her allowance for a child;

(b) the cost of any outdoor relief (not being relief in respect of medical needs) afforded after the commencement of this Schedule in a case of sudden or urgent necessity to a person eligible for a supplementary pension:

Provided that the amount payable by the Board in respect of any person under sub-paragraph (a) or sub-paragraph (b) of this paragraph shall not exceed the amount of the supplementary pension which would have been granted to that person by the Board, and any dispute between the Board and any authority as to the amount of the supplementary pension which would have been granted as aforesaid shall be referred to the appeal tribunal, whose decision shall be final.

B: S. 4 (2) and (4) of the Pensions and Determination of Needs Act, 1943.

[NOTE.—These subsections are reprinted as amended by this Act only.]

4.—(2) Where, at the time when an additional allowance in respect of a child ceases to be payable to a widow as part of her widow's pension, a determination is in force granting her a supplementary pension by virtue of the foregoing subsection, or where, at the time

12TH SCH.
—cont.

when a widow ceases to be entitled to a widowed mother's allowance or to an increase of a widow's allowance for a child, she has not attained the age of sixty but a determination is in force granting her a supplementary pension by virtue of the National Insurance Act, 1946, she shall continue to be eligible for a supplementary pension unless and until either—

(a) she ceases to be entitled to receive weekly payments on account of the widow's pension or to be entitled to widow's benefit under the said Act; or

(b) that or some other determination granting her a supplementary pension ceases to be in force without having been replaced by a new determination granting her a supplementary pension.

(4) Where a supplementary pension is granted to any person on an application made before the expiration of one month from the date on which that person becomes eligible therefor, there may be made, in respect of any period—

(a) after the date when an old age pension or widow's pension began to accrue to that person and before the date when the person became entitled to receive weekly payments on account thereof; or, as the case may be

(b) after the date for the commencement of that person's retirement pension, widow's allowance or widowed mother's allowance and before the date when the first payment by way of the pension or allowance became receivable by that person;

such addition to the supplementary pension as appears reasonable, but not exceeding the amount of any supplementary pension which would have been granted in respect of that period:

Provided that, in the case of a widow, no such addition shall be made in respect of any period during which she has not attained the age of sixty and in respect of which no additional allowance in respect of a child is paid to her as part of her pension and she is not entitled to a widowed mother's allowance or to an increase of a widow's allowance for a child.

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